Grange, No. 414, Westmore; Chester Grange, No. 321, Chester; White River Grange, No. 53, Royalton; and East Montpelier Grange, No. 312, East Montpelier, all in the State of Vermont, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. REEDER: Petition of citizens of Kansas, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of numerous citizens of Troy, Mich., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Enterprise Grange, No. 809, of Genesee County, and citizens of Livingston County, Mich., for a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of Second Presbyterian Church, Bloomington, Ill., for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of John B. Drake & Co., Kappa, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Protest of Killingworth Grange, Patrons of Husbandry, No. 66, of Killingworth, Conn., against Canadian reciprocity and tariff board; to the Committee on Ways and Means.

Also, petitions of Killingworth Grange, Konomac Grange, Colchester Grange, and Montville Grange, State of Connecticut, against a parcels-post system, but favoring low postage rates on packages; to the Committee on the Post Office and Post Roads.

Also, memorial of district councils of United Carpenters of New Haven, Conn., in behalf of restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Highland and Plainfield Granges, in favor of a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. TOWNSEND: Petition of pastors of Jackson County and the Central Woman's Christian Temperance Union, Detroit, for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of the American Woman's League, Battle Creek, Mich., for the indemnity bill of the Lewis Publishing Co.; to the Committee on Claims.

By Mr. WASHBURN: Petition of teachers and students of South Lancaster Academy, against Senate bill 404; to the Committee on the District of Columbia.

By Mr. WEBB: Petition of citizens of Henry, N. C., for a general parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Charlotte, N. C., against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of Park Council, Charlotte; Virgin Council, Cornelius; Council No. 68; Hickory Council; Haw River Council, No. 28; Smith B Council, No. 71; Fred Green Council, East Durham; Estato Council, No. 27, Vale, Junior Order United American Mechanics; and Washington Camp No. 27, Patriotic Order Sons of America, Gastonia, all in the State of North Carolina, urging immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. WOOD of New Jersey: Petition of New Jersey State Teachers' Association for bill appropriating $75,000 for United States Bureau of Education; to the Committee on Education.

Also, petition of Locktown (N. J.) Grange, No. 88, Patrons of Husbandry, against reciprocal tariff with Canada; to the Committee on Ways and Means.

SENATE.

MONDAY, *February 20, 1911.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, unseen but not unknown, in our great loss we take refuge in Thee, who hast been our refuge in all generations. In our sorrow Thy pity revives our fainting souls, and in our distress Thou hearest us as we call upon Thee. Thou hast indeed been unto us like the shadow of a great rock in a weary land.

And now, O heavenly Father, in our affliction give unto us the peace that floweth as a river. In our sorrow grant unto us the comfort that is born of hope and the faith that is rooted in love. As we meditate upon the life of Thy servants whom Thou hast called from our midst, make us worthy of the fellowship of the great cloud of witnesses with which Thou hast surrounded us.

And unto Thee, who art the God of all comfort and of all grace, will we ascribe praise now and for evermore. Amen.

THE JOURNAL.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the last legislative day.

Mr. HEYBURN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Guggenheim	Shively
Bankhead	Crawford	Heyburn	Simmons
Borah	Culberson	Johnston	Smith, Md.
Bourne	Cullom	Jones	Smith, S. C.
Brandegee	Curtis	Kean	Smoot
Briggs	Davis	La Follette	Stephenson
Bristow	Depew	Lodge	Sutherland
Brown	Dick	McCumber	Taliaferro
Bulkeley	Dillingham	Nelson	Taylor
Burkett	Dixon	Overman	Thornton
Burnham	du Pont	Page	Tillman
Burrows	Fletcher	Paynter	Warner
Burton	Flint	Penrose	Warren
Carter	Foster	Percy	Watson
Chamberlain	Frye	Perkins	Wetmore
Clapp	Gallinger	Rayner	Young
Clark, Wyo.	Gamble	Root	
Clarke, Ark.	Gore	Scott	

The VICE PRESIDENT. Seventy-three Senators have answered to the roll call. A quorum of the Senate is present. The Secretary will read the Journal of the last legislative day's proceedings.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BORAH and by unanimous consent, the further reading was dispensed with and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. The Chair announces the appointment of the junior Senator from Iowa [Mr. YOUNG] to read Washington's Farewell Address to the Senate on Wednesday, in accordance with the rule of the Senate.

RAILWAY MAIL SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 14th instant, certain information relative to the number of opportunities for promotion of railway mail clerks resulting from death, removal, or otherwise during the past fiscal year, and the number of promotions actually made, etc. (S. Doc. No. 826), which was ordered to lie on the table and to be printed.

BUSH V. UNITED STATES.

The VICE PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, requesting the return to the court of the findings in the case of Bush *v.* United States, No. 14860–109, certified to the Senate January 30, 1911 (S. Doc. No. 827), which was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, transmitted to the Senate resolutions of the House on the life and public services of Hon. ALEXANDER S. CLAY, late a Senator from the State of Georgia.

The message also transmitted to the Senate resolutions of the House on the life and public services of Hon. WALTER PRESTON BROWNLOW, late a Representative from the State of Tennessee.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Vice President:

S. 6953. An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects, and for other purposes;

H. R. 8699. An act for the relief of the relatives of William Mitchell, deceased;

H. R. 26018. An act for the relief of James Donovan;

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.; and

H. R. 26722. An act for the relief of Horace P. Rugg.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 7.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that:

Whereas the development of the arid lands of the State of Oregon by irrigation and occupancy by home builders in small tracts under a

high state of cultivation is of vital importance to all the interests of the State of Oregon; and

Whereas under United States reclamation projects in Oregon, and particularly the Umatilla project, a large body of land is held by desert-land entrymen; and

Whereas under desert-land laws as amended by the reclamation act, such entrymen can not secure patent to their entries until all the installments on the purchase price of the water right therefor are paid, thus necessitating, under the law and regulation, a delay of 10 years in the issuance of patents, thereby making it impracticable to dispose of the land to settlers in small tracts; and

Whereas we believe the Government will be better secured for the return of its money invested in reclaiming such lands by a lien against patented lands highly improved by building homes and intensified cultivation than under present regulation: Therefore be it

Resolved, That your memorialists favor the enactment of a law by the Congress of the United States providing that patents shall issue for desert claims within Government irrigation projects upon satisfactory final proofs of reclamation under desert-land laws subject only to the lien of the Government upon the land for the unpaid balance to become due and payable on the water rights; and be it

Resolved, That the secretary of state is directed to transmit a copy of this memorial by telegram to our delegation in Congress.

Adopted by the senate February 6, 1911.

BEN SELLING, *President of the Senate.*

Adopted by the house February 7, 1911.

JOHN P. RUSK, *Speaker of the House.*

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UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 7 with the original thereof, which was adopted by the senate February 6, 1911, and adopted by the house February 7, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 13th day of February, A. D. 1911.

F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 6.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas Representative MONDELL, of Wyoming, has introduced a bill in Congress to prohibit the suspension of final proofs in land entries on protests of special agents and others unless such protests are based on good and sufficient reasons under the law, providing that when such protests are made the reasons therefor shall be transmitted promptly by the local office to the entrymen, who shall be given a prompt hearing; and

Whereas we believe much injury has been wrought entrymen in the West, causing much delay to the progress and the development of western lands by such suspension, and that a law should be passed to put a stop to indiscriminate suspensions on mere suspicion or informal reports of agents and others when there is no real proof to substantiate such action: Therefore be it

Resolved, That your memorialists favor the bill proposed by Representative MONDELL, of Wyoming, and urge its immediate enactment into a law; and be it

Resolved, That the secretary of state is directed to transmit a copy of this memorial by telegram to our delegation in Congress.

Adopted by the senate February 6, 1911.

BEN SELLING, *President of the Senate.*

Adopted by the house February 7, 1911.

JOHN P. RUSK, *Speaker of the House.*

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UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 6 with the original thereof, which was adopted by the senate February 6, 1911, and adopted by the house February 7, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 13th day of February, A. D. 1911.

F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate joint memorial 5.

To the Congress of the United States, greeting:

Whereas the survivors of the various Indian wars of the United States are men who bore a conspicuous part in the development of the country by rendering service of an arduous and dangerous character, for which they have never received adequate recognition from those who have profited by their courage and self-sacrifice:

Therefore we, your memorialists, the Legislative Assembly of the State of Oregon, earnestly pray your honorable body to enact into law the bill for the purpose introduced in the House of Representatives on January 12, 1911, by Hon. W. C. HAWLEY, of Oregon, and entitled "A bill to provide pensions for the officers and soldiers of the Indian wars of the United States which occurred prior to the year 1880."

Adopted by the senate January 31, 1911.

BEN SELLING, *President of the Senate.*

Adopted by the house February 8, 1911.

JOHN P. RUSK, *Speaker of the House.*

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UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5, with the original thereof, which was adopted by the senate January 31, 1911, and adopted by the house February 8, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 13th day of February, A. D. 1911.

F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a memorial of Kelzar Grange, No. 440, Patrons of Husbandry, of North Lovell, Me., and a memorial of sundry citizens of Saginaw West Side, Mich., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Cleveland, Ark., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of A. M. Neece, of Holland, N. Mex., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. FRYE presented memorials of Seaside Grange, No. 171, of Bristol; Mountain Grange, No. 331, of Blaine; Otisfield Grange, of Otisfield; Monmouth Grange, of Monmouth; Boothbay Grange, of Boothbay; Sagadahoc Grange, of Bowdoin; Jefferson Grange, of North Whitefield; Victor Grange, of Searsmont; North Franklin Grange, of Phillips; and Sandy River Grange, of Phillips, all of the Patrons of Husbandry; of C. A. Parks, secretary-treasurer of the International Brotherhood of Stationary Firemen, of Lisbon Falls; of the Board of Trade of Livermore Falls; of Local Union No. 69, International Brotherhood of Stationary Firemen, of Millinocket; and of Local Union No. 22, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Solon; of the International Paper Co., of Enfield; of Local Union No. 15, International Brotherhood of Paper Makers; of W. H. Mihou, Eugene R. Call, H. A. Hooper, and T. A. Sherey, of West Enfield; and of William A. McKenney, of Lisbon Falls, all in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BROWN. I present resolutions adopted by the Senate of the Legislature of the State of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the resolutions were referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Whereas there is now pending in our National Congress H. R. 30799, by Mr. KINKAID of Nebraska, providing for graduated payments and a longer time than 10 years in which to repay the construction charges under Government irrigation projects as now provided for by law, and

Whereas it appears that the desert lands irrigated by the Interstate Canal, in Nebraska, can not be immediately depended upon to provide a living for the settler and his family and make so large a yearly payment as the reclamation act and the regulations of the Interior Department now require; and

Whereas it has been actually demonstrated that these lands will not produce more than one good crop until alfalfa has been grown for two or three years; and

Whereas the abundant productiveness of valuable crops under the other canals have positively proven that it is only a matter of time for development when these lands will fulfill the most sanguine expectations; and

Whereas the season of 1910 has been most unfavorable for agriculture in that territory, and that the settlers under said Interstate Canal are now in distressed circumstances and there is pressing need for immediate action on the part of Congress to enact into law a more suitable system of payments, making the same light during the first years and heavier later when the lands have been developed; and

Whereas we believe the homestead laws should be and were intended for the poor man's benefit, and that under the law returning all payments within 10 years the poor man is positively barred from completing his payments and gaining title to the lands he may have entered under said reclamation act: Therefore be it

Resolved, That the State Senate of Nebraska in regular session assembled heartily indorse H. R. 30799 and any similar legislation along said lines and ask our Senators and Representatives in the National Congress to give same their active support; and be it further

Resolved, That copies of this resolution be forwarded to our Senators and Representatives in Washington and to the honorable Secretary of the Interior.

Mr. DICK presented petitions of Switchmen's Local Union of Lima; of International Molders' Union, No. 283, of Hamilton; of Carpenters and Joiners' Local Union of Hamilton; and of the Travel Class, of Bluffton, all in the State of Ohio, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Carpenters and Joiners' Local Union, No. 637, of Hamilton; of the Central Labor Union of Toledo; of Local Council No. 5, of Maineville; of Edward Lawler, of Ironton; Harmony Council, of Cincinnati; Ocean City Council, of Cincinnati; Walnut Hills Council, of Cincinnati; Fairmount Council, of Cincinnati; Southern Ohio Council, of Cincinnati; Eden Park Council, of Cincinnati; Bethlehem Council, of Cincinnati; Concord Council, of Cincinnati; Woodward Council, of Cincinnati; Addison Council, of Addison; Lockland Council, of Lockland; Shadyside Council, of Shadyside; Continental Council, of Port William; Sedalia Council, of Sedalia; Southern Star Council, of Mount Carmel; Guiding Star Council, of St. Bernard; Star Council, of Galion; Westwood Council, of Cheviot; Athens Council, of Athens; and of Favorite Council, of Piqua, of the Junior Order United American Mechanics; and of Washington Camp, No. 2, Patriotic Order Sons of America, of Cincinnati; of Washington Camp, No. 86, Patriotic Order Sons of America, of Columbus; and of Local Union No. 9, American Federation of Labor, of East Liverpool; of Local Union No. 104, American Federation of Labor, of Dayton; and of Independent Council, No. 106, Daughters of America, of Piqua, all in the State of Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the Franklin County Bar Association, of Columbus, Ohio, remonstrating against the enactment of legislation providing additional terms for the district court at Portsmouth, Ohio, which was referred to the Committee on the Judiciary.

He also presented memorials of Commercial Club of Galion; of Culter & Seip Co., of Chillicothe; of the W. Bingham Co., of Cleveland; of Local Grange No. 1427, Patrons of Husbandry, of Adena; and of sundry citizens of Urbana, all in the State of Ohio, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Newark, Ohio, remonstrating against any change being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a petition of the Sheldon Dry Goods Co., of Columbus, Ohio, praying for the establishment of a permanent tariff board, which was ordered to lie on the table.

He also presented petitions of the Columbus Envelope Co., of Columbus; the Associated Daily Newspapers' Convention, at Columbus; and the Somerset Press, of Somerset, in the State of Ohio, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Central Labor Union of Canton, of International Association of Machinists, No. 147, of Springfield, and of the Central Labor Union of Toledo, all in the State of Ohio, praying for the construction of United States battleships in Government navy yards, which were referred to the Committee on Naval Affairs.

Mr. WETMORE presented a memorial of the Society of Friends, of Smithfield, Mass., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. KEAN presented the petition of Henry H. Croft, of Blue Anchor, N. J., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented memorials of the Burlington County Board of Agriculture; of sundry citizens of Freehold; of John W. Campbell, of Newark; of Hopewell Grange, No. 16, Patrons of Husbandry, of Shiloh; and of Local Grange No. 132, Patrons of Husbandry, of Cold Spring, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Charles W. Goodwin, jr., president of the Typographical Union of Camden; of Elmer Throssell, president of the Typographical Union of Newark; of J. L. Egan, president of the Typographical Union of Rahway; of Windsor R. Jaeger, secretary of Typographical Union No. 94, of Jersey City; of the Typographical Union of Somerville; of Harry W. Thomas, secretary of the Typographical Union of Plainfield; of Roland B. Scull, of Camden; of Winfield T. Keegan, of Jersey City; of sundry citizens of Hammonton; of M. L. Smalley, of Mount Holly; of Arthur MacKinnon, of Caldwell; of T. Walker, of Newark; of R. W. Burchard, of Passaic; of A. E. Ferguson and B. B. Ferguson, of Westmont; and of C. Richard Redington, of Bernardsville, all in the State of New Jersey; of the Industrial Press, and Robert H. Ingersoll & Bro., of New York City, N. Y., remonstrating against any increase in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented petitions of Washington Camps No. 110, of Cold Spring, and No. 84, of Gloucester City, Patriotic Order Sons of America; of Local Union No. 121, United Brotherhood of Carpenters and Joiners, of Bridgeton; and of the Central Labor Union of Camden, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented the petition of Charles B. Moyer, secretary of the New Jersey State Teachers' Association, of Atlantic City, N. J., praying that an appropriation of $75,000 be made for the extension of the work of the Bureau of Education, which was referred to the Committee on Education and Labor.

Mr. BORAH. I present a concurrent resolution of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the concurrent resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 5.

Be it resolved by the Legislature of the State of Idaho:

Whereas by an act dated July 3, 1890, Congress granted to the State of Idaho about 3,000,000 acres of public lands, including sections 16 and 36 in every township of the State, for the support of common schools and in aid of various public institutions, with the right where sections 16 and 36, or any part thereof, had been sold or otherwise disposed of by or under the authority of any act of Congress to select other lands equivalent thereto in legal subdivisions of not less than one-quarter section and as contiguous as may be to the section in lieu of which the same was taken; and

Whereas by an act dated August 18, 1894, Congress granted to the State of Idaho the right to apply for the survey and withdrawal of townships of public lands then remaining unsurveyed and that such townships should be reserved upon the filing of the application of said survey from any adverse appropriation by settlement or otherwise, except under rights that might be found to exist of prior inception, for a period to extend from such application for survey until the expiration of 60 days from the date of the filing of the township plat of surveys in the proper district land office; and pursuant to said act of Congress the State of Idaho made application for the survey of a large number of townships of public lands within the State of Idaho for the purpose of selecting the quota of lands donated the State; and

Whereas the President of the United States has, by proclamations, established certain forest reserves within the State of Idaho embracing more than 40 per cent of the total area of the State, including sections 16 and 36 aforesaid, and the Department of Interior has by rules and regulations denied the right of the State of Idaho to perfect its selections of public lands in townships now included in the forest reserves, but which were not included within the forest reserves at the time of the State's application for the survey thereof; and

Whereas the State of Idaho now has approximately 1,000,000 acres, consisting of sections 16 and 36 in the forest, military, and other reservations established by the authority of the United States; and

Whereas there seems to be a disposition on the part of the United States Government to retain for an indefinite future time the said forest reserves as now constituted; and

Whereas the United States Government, by its courts and officers, holds that the State of Idaho has no vested interest in said lands and has instituted various suits against this State and its lessees for removing timber from the said lands, and has refused to admit evidence in its courts by private survey of the identity of said sections 16 and 36 within the said reserves, and has refused to make Government survey of said sections aforesaid in the reserves aforesaid; and

Whereas under said conditions said lands are to all intents and purposes lost to the said State of Idaho; and

Whereas the Secretary of the Interior has announced that he is about to promulgate a ruling that the State of Idaho shall no longer be allowed to use unsurveyed sections 16 and 36 in forest, military, and other reservations of the United States in this State as a base for the selection of other public lands; and

Whereas if such ruling be promulgated, it would result in the withholding for many years from settlement, sale, and use of nearly 1,000,000 acres of said lands granted to this State by the Federal Government and amounting to the value of more than $20,000,000, thus producing and effecting by such ruling to be promulgated a highly and incalculably disastrous effect upon the school funds of this State and the future growth of the population and resources of this Commonwealth: Therefore be it

Resolved, That the Representatives of Idaho in Congress be, and they hereby are, directed to aid the State board of land commissioners in bringing about a settlement of the conditions now existing, as aforesaid, in regard to the said unsurveyed sections 16 and 36 within the State of Idaho, so Idaho may come into possession of the land granted to it by the United States Government, or lands equivalent thereto: *Provided*, That nothing herein contained shall be construed as requesting or permitting the commission herein provided for, or Congress, or the department to do any act which will in any manner deprive the settlers upon the public domain of the United States within the State of Idaho of any rights they now have or to give to the State of Idaho any rights to such lands by reason of the attempted selection of said land in lieu of attempted relinquishment of sections 16 and 36 heretofore made to the lands claimed by any of such settlers: And be it further

Resolved, That a committee, consisting of the attorney general of the State of Idaho, a member of the senate, appointed by the president of the senate, and a member of the house of representatives, to be appointed by the speaker of the house, be, and the same hereby is, appointed to confer with the Secretary of Interior and the Representatives of Idaho in Congress in the matter of the settlement of the rights

of the State of Idaho to the said unsurveyed land hereinbefore in this resolution mentioned and to take such measures as to them shall seem best for the advancement of the best interests of the State of Idaho. Such necessary expenditures in the way of railroad fare to and from Washington, hotel bills, and incidental necessary expenses as may be incurred by the said committee shall be a charge against the State of Idaho and shall be provided for in the general appropriation bill.

I hereby certify that the within senate concurrent resolution No.5 originated in the senate of the eleventh session of the Legislature of the State of Idaho.

CHAS. W. DEMPSTER,
Secretary of the Senate.

The within senate concurrent resolution No. 5 passed the senate on the 2d day of February, 1911.

L. H. SWEETSER,
President of the Senate.

The within senate concurrent resolution No. 5 passed the house of representatives on the 2d day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

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STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate concurrent resolution No. 5, by State affairs committee, in relation to sections 16 and 36 situated in national forest reserves, which was filed in this office the 7th day of February, A. D. 1911, and admitted to record.

In testimony where of I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 7th day of February, A. D. 1911, and of the Independence of the United States of America the one hundred and thirty-fifth.

WILFRED L. GIFFORD, *Secretary of State.*

Mr. BORAH. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 5.

Memoralizing the Congress of the United States to grant relief to a large number of citizens of the State of Idaho who have settled upon lands under the homestead laws of the United States in the years 1902, 1903, and 1904, prior to the proclamation and act creating the Coeur d'Alene National Forest Reserve, within which said lands are now located, in the State of Idaho.

Be it resolved by the house of representatives of the State of Idaho (the senate concurring), That the Congress of the United States be memoralized as follows:

Whereas a large number of the citizens of the State of Idaho settled upon lands under the homestead laws of the United States in the years 1902, 1903, and 1904, prior to the proclamation and act creating the Coeur d'Alene National Forest, within which said lands are now located, in the State of Idaho; and

Whereas protests and contests have been filed by the officials of said reserve against practically all of said settlers' entries, with a view of having said entries canceled and the lands covered thereby become a portion of said reserve; and

Whereas these settlers have undergone great hardships for upward of eight years in homesteading said lands, owing to the remoteness of the same from any town where supplies can be obtained, and to the fact that access thereto can be had only by "pack" trails over a rough and mountainous country, over which trails their supplies and materials for homesteading have been "packed" for all these years; and

Whereas all the homes, improvements, and effects of said settlers on said lands have been entirely destroyed by the forest fires of August, 1910, some of them losing their lives in an attempt to save their homes from destruction, and all the timber upon their claims killed by such fires, and the same will rot and become worthless on account of the worms and pests that follow in the wake of forest fires, unless the settlers are permitted to cut and dispose of such timber at an early date; and

Whereas said settlers have petitioned Congress for relief on account of such protests, contests, and fires, and asked permission to cut and sell said timber from said lands in order to save such timber from going to waste on account of such fires having burned over such timber lands; and

Whereas a great many of these settlers have offered final proof on the said lands, and their proof having been satisfactory, have received their receivers' receipts and final certificates, but their patent is not issued owing to a blanket protest having been filed against said lands and entrymen by the Forestry Department, preventing an early determination of their rights: Now, therefore, be it

Resolved by the Legislature of the State of Idaho, That the Congress of the United States is hereby requested to enact such legislation as will grant the relief prayed for by such settlers on any such lands; and be it further

Resolved, That the secretary of state of Idaho is hereby instructed to immediately forward copies of this memorial to the Senate and House of Representatives of the United States and to each of our Representatives in Congress.

This joint memorial passed the house of representatives on the 6th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This joint memorial passed the senate on the 6th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within joint memorial No. 5 originated in the house of representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 5, by Black, relating to relief to settlers who settled upon lands under the homestead laws of the United States, situated within the boundaries of the Coeur d'Alene National Forest Reserve prior to the creation thereof (passed the house of representatives Feb. 6, 1911; passed the senate Feb. 6, 1911), which was filed in this office the 9th day of February, A. D. 1911, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 10th day of February, A. D. 1911, and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILFRED L. GIFFORD, *Secretary of State.*

Mr. FLETCHER presented memorials of the Pensacola Commercial Association, of Pensacola; the First National Bank of Pensacola; the American National Bank, of Pensacola; the Citizens' National Bank, of Pensacola; the Pensacola State Bank, of Pensacola; and the People's National Bank, of Pensacola, all in the State of Florida, remonstrating against the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which were ordered to lie on the table.

He also presented memorials of William C. Hooton, of Pensacola, Fla.; of the American News Co., of New York; and of the Southern Periodical Publishers' Association, of Atlanta, Ga., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a memorial of the Board of Trade of Fernandina, Fla., remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coastwise trade, which was referred to the Committee on Commerce.

Mr. SCOTT presented a petition of Cottage Grove Council, Junior Order United American Mechanics, of Huntington, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Sisterville, W. Va., remonstrating against any increase in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented the petition of W. C. McConaughey, president of the West Virginia Wholesale Grocers' Association, of Parkersburg, W. Va., praying for the enactment of legislation relative to a uniform weight and measure branding law applying to food products, which was referred to the Committee on Manufactures.

Mr. BURNHAM presented petitions of the F. M. Hoyt Shoe Co. and the W. H. McElwain Co., of Manchester, N. H., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Samuel Hale, of Dover; H. M. Moffett, E. N. Whitcomb, Charles S. Clark, W. L. Whitney, Arthur E. Parent, W. W. Burlingame, Lyford & Currier, all of Berlin; of Advance Grange, No. 20, Patrons of Husbandry, of Wilton; and of the Emerson Paper Co., of Sunapee, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of the Central Labor Union and of Mount Washington Lodge, No. 276, International Association of Machinists, of Concord, N. H., praying for the construction of United States battleships in Government navy yards, which were referred to the Committee on Naval Affairs.

He also presented the memorial of J. C. Loomis, of Cornish Flat, N. H., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a memorial of the Smith-Hadley Co., of Boston, Mass., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, etc., which was ordered to lie on the table.

He also presented the memorial of Gerard C. Henderson, of Monadnock, N. H., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Emerson Paper Co., of Sunapee, N. H., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Mrs. Abbie L. West, of Chester, N. H., remonstrating against the establishment of a

national bureau of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented memorials of Mattabessett Grange, No. 42, of Middletown; Local Grange No. 158, of Chester; Local Grange No. 172, of Norwich; Hollenbeck Grange, No. 125, of Canaan; Local Grange No. 79, of Housatonic; Konomoc Grange, No. 41, of Waterford; Local Grange No. 78, of Colchester; Eureka Grange, No. 62, of New Hartford; Hope Grange, No. 20, of Torrington; Local Grange No. 136, of East Canaan; Local Grange No. 107, of Litchfield; Local Grange No. 75, of Coventry; Local Grange No. 66, of Killingworth; Mad River Grange, No. 71, of Waterbury; Local Grange No. 74, of Winchester; Local Grange No. 174, of Torringford; Local Grange No. 45, of Harwinton; Cawasa Grange, No. 34, of Collinsville; Highland Grange, No. 113, of South Killingly; Local Grange No. 157, of East Lyme; Norfield Grange, No. 146, of Weston; Local Grange No. 140, of Plainfield; Wolf Den Grange, of Pomfret; and of Local Grange of Montville, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented memorials of Local Grange No. 66, of Killingworth; Local Grange No. 124, of Higganum; Housatonic Grange, No. 79, of Stratford; Local Grange No. 173, of Wolcott; Local Grange No. 136, of East Canaan; Kenemock Grange, of Waterford; and of the Fairfield County Pomona Grange, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. RAYNER presented petitions of Washington Camp No. 47, of Mount Airy, and of Washington Camp No. 19, of Baltimore, both of the Patriotic Order Sons of America, in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Westminster and Hampstead, and of Highland Grange, Patrons of Husbandry, all in the State of Maryland, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. YOUNG presented a petition of the Omaha Produce Exchange, of Omaha, Nebr., praying for the enactment of legislation providing for an inspection of egg products by the Government, which was referred to the Committee on Agriculture and Forestry.

Mr. WATSON presented the memorial of S. B. Perkins and sundry citizens of Parkersburg, W. Va., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a petition of Washington Camp No. 15, Patriotic Order Sons of America, of Hedgerville, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. TILLMAN presented the memorial of J. W. H. Dyches, pastor of the Baptist Church, and sundry other citizens of Heath Spring, S. C., remonstrating against the adoption of the proposed amendment in the post-office appropriation bill relative to the tax on periodicals and magazines, which was ordered to lie on the table.

Mr. SHIVELY presented memorials of Spring Run Grange, No. 1892, of Columbia City; of Local Grange No. 1668, of Norristown; and of Honey Creek Grange, No. 1, of Terre Haute, all of the Patrons of Husbandry, in the State of Indiana, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the C. A. Schrader Co., of Indianapolis, Ind., and a petition of Hibben, Hollweg & Co., of Indianapolis, Ind., praying that an increase be made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a memorial of the Indianapolis Abattoir Co., of Indianapolis, Ind., remonstrating against the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from James M. Lynch, president of the International Typographical Union, of Indianapolis, Ind., remonstrating against any change being made in the rate of postage on periodicals and magazines, and also against any change being made in the section of the proposed reciprocal agreement between the United States and Canada relative to paper and wood pulp, which was ordered to lie on the table.

He also presented the petition of Mrs. M. F. Johnson, president of the Richmond Art Association, of Richmond, Ind., praying for the enactment of legislation providing for the control and regulation of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

Mr. DEPEW presented a petition of the Republican county committee of New York County, N. Y., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Troy, N. Y., praying for the enactment of legislation providing for 1-cent postage on all first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Carthage, Ticonderoga, Palmer, Corinth, Niagara Falls, Cadyville, Morrisonville, and Watertown, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Niagara Falls, N. Y., remonstrating against the enactment of legislation providing for the control and regulation of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Association of Military Surgeons of the United States, praying for the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the War Veterans and Sons Association of Brooklyn, N. Y., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the New York Branch of the National German-American Alliance, praying that an appropriation be made toward the erection of a monument at Germantown, Pa., to commemorate the founding of the first German settlement in America, which was ordered to lie on the table.

He also presented a petition of the Spanish War Veterans of the State of New York, praying for the enactment of legislation authorizing campaign badges to be awarded to ex-soldiers who served in the War with Spain, which was referred to the Committee on Military Affairs.

He also presented memorials of the New York State Federation of Labor and of sundry citizens of New York City, Syracuse, Westfield, Flushing, Watertown, Buffalo, Ithaca, Cooperstown, Brooklyn, Rochester, Richmond Hill, Hudson, and Binghamton, all in the State of New York, remonstrating against any change being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a petition of the Republican county committee of New York County, State of New York, praying for the termination of the treaty between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Republican county committee of New York County and a petition of the North Tonawanda Board of Trade, New York, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. PILES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 4.

To the President of the United States of America, the Senate and House of Representatives of the United States, the Secretary of the Interior, Secretary of Agriculture, and the Senators and Representatives in Congress from the State of Washington:

We your memorialists, the senate and house of representatives of the State of Washington in legislative session assembled (twelfth regular session), most respectfully represent and pray as follows, to wit:

Whereas the President in creating and setting aside public land for forest reserve in the so-called Mount Rainier and Columbia Forest Reserve in the State of Washington included therein almost four-fifths of the area of Skamania County, thereby depriving said county of the settlers which it otherwise would have, and of its legitimate income from taxes, which is crippling said county financially; and

Whereas a great deal of land in said reserve, tributary to the railway and towns in said county of Skamania, is suitable and valuable for grazing and agricultural purposes; and

Whereas the timber on said land is mature and should be cut and removed in order to give the land to the public for settlement:

Therefore we earnestly and respectfully petition the President of the United States to withdraw by proclamation and open for settlement under the public-land laws of the United States, in said Mount Rainier and

Columbia Forest Reserve, the following-described lands, to wit: Townships Nos. 3, 4, 5, and 6 north, of ranges Nos. 5, 6, 7, 8, and 9 east of the Willamette meridian, in Skamania County, Wash., and further, that the Secretary of the Interior shall cause said tract of land, when so withdrawn from said reserve by the President, to be surveyed as early as possible; and your memorialists will forever pray.

Passed the house January 26, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate February 9, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. PILES presented a memorial of Local Grange No. 209, Patrons of Husbandry, of Ellensburg, Wash., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. HALE. I present memorials from sundry granges and citizens in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada.

The VICE PRESIDENT. The memorials presented by the Senator from Maine will be noted in the RECORD and referred to the Committee on Finance.

The memorials are as follows:

Memorial of East Sangerville Grange, No. 177, Patrons of Husbandry, of East Sangerville, Me.;

Memorial of Winthrop Grange, No. 209, Patrons of Husbandry, of Winthrop, Me.;

Memorial of Good Will Grange, No. 376, Patrons of Husbandry, of Amherst, Me.;

Memorial of Limestone Grange, Patrons of Husbandry, of Limestone, Me.;

Memorial of Aroostook County Pomona Grange, Patrons of Husbandry, of Presque Isle, Me.;

Memorial of Leeds Grange, No. 99, Patrons of Husbandry, of Leeds, Me.;

Memorial of Union Harvest Grange, No. 97, Patrons of Husbandry, of Center Montville, Me.;

Memorial of Norway Grange, No. 45, Patrons of Husbandry, of Norway, Me.;

Memorial of Charleston Grange, No. 320, Patrons of Husbandry, of Charleston, Me.;

Memorial of Mystic Tie Grange, No. 58, Patrons of Husbandry, of Kenduskeag, Penobscot County, Me.;

Memorial of Valley Grange, No. 144, Patrons of Husbandry, of Guilford, Me.;

Memorial of Mount Cutler Grange, Patrons of Husbandry, of Hiram, Me.;

Memorial of Maysville Center Grange, Patrons of Husbandry, of Presque Isle, Me.;

Memorial of East Dover Grange, No. 236, Patrons of Husbandry, of East Dover, Me.;

Memorial of Houlton Grange, No. 16, Patrons of Husbandry, of Houlton, Me.;

Memorial of Nobleboro Grange, Patrons of Husbandry, of Nobleboro, Me.;

Memorial of Sebasticook Grange, No. 90, Patrons of Husbandry, of Burnham, Me.;

Memorial of Somerset Pomona Grange, Patrons of Husbandry, of Anson, Me.;

Memorial of Caribou Grange, No. 138, Patrons of Husbandry, of Caribou, Me.;

Memorial of John F. Hill Grange, No. 393, Patrons of Husbandry, of Eliot, Me.;

Memorial of Floral Grange, No. 232, Patrons of Husbandry, of Penobscot County, Me.;

Memorial of Milbridge Grange, No. 291, Patrons of Husbandry, of Milbridge, Me.;

Memorial of Mountain Grange, No. 331, Patrons of Husbandry, of Blaine, Aroostook County, Me.;

Memorial of Otisfield Grange, Patrons of Husbandry, of Otisfield, Me.;

Memorial of Eureka Grange, Patrons of Husbandry, of Mapleton, Me.;

Memorial of Jefferson Grange, No. 197, Patrons of Husbandry, of Jefferson, Me.;

Memorial of Sagadahoc Grange, Patrons of Husbandry, of Bowdoin, Me.;

Memorial of Boothbay Grange, Patrons of Husbandry, of Boothbay, Me.;

Memorial of North Franklin Pomona Grange, No. 22, Patrons of Husbandry, of North Franklin, Me.;

Memorial of Victor Grange, No. 246, Patrons of Husbandry, of Searsmont, Me.;

Memorial of Monmouth Grange, Patrons of Husbandry, of Monmouth, Me.;

Memorial of Valley Grange, No. 144, Patrons of Husbandry of Maine;

Memorial of Aroostook County Pomona Grange, Patrons of Husbandry of Maine;

Memorial of Norway Grange, Patrons of Husbandry, of Norway, Me.;

Memorial of Southern Aroostook Pomona Grange, Patrons of Husbandry, of Monticello, Me.;

Memorial of sundry citizens of Aroostook County, Me.;

Memorial of L. W. Haskins, of Waterville, Me.;

Memorial of A. C. Stanley, of Monticello, Me.; and

Memorials of sundry citizens of the State of Maine.

FARM PRODUCTS.

Memorial of Alex McPhirson, of Presque Isle, Me. (potatoes);

Memorial of the New England Homestead, of Springfield, Mass. (potatoes);

Memorial of W. A. Quigley, of North Bancroft, Me.;

Memorial of E. A. Carpenter, of Brooks, Me.; and

Memorial of O. W. Mapes, of Middletown, N. Y.

FISH.

Memorial of Guy H. Parker, of Tremont, Me.;

Memorial of Geo. H. Lyon & Son, of Eastport, Me.;

Memorial of W. B. Mowry, of Lubec, Me.; and

Memorial of Emery P. Parker, of Corea, Me.

LUMBER.

Memorial of the Augusta Lumber Co., of Augusta, Me.; and

Memorial of the Society for the Protection of New Hampshire Forests, of Boston, Mass.

PULP AND PAPER.

Memorial of a committee representing 1,200 men engaged in the paper and pulp industry, of Livermore Falls, Me.;

Memorial of a committee representing 300 men engaged in the paper and pulp industry in the towns of Enfield and Hartland, Me.;

Memorial of the International Brotherhood of Stationary Firemen, of Lisbon Falls, Me.;

Memorial of the International Central Brotherhood of Paper Makers, of Androscoggin, Me.;

Memorial of the International Paper Co., of Solon, Me.;

Memorial of the International Paper Co., of Enfield, Me.;

Memorial of George E. Keith, Esq., of Campello, Mass.;

Memorial of the American Paper & Pulp Association, of New York City, N. Y.;

Memorial of the Shawmut Manufacturing Co., of Shawmut, Me.;

Memorial of Hugh J. Chisholm, of Palm Beach, Fla.; and

Memorial of the International Brotherhood of Pulp, Sulphite & Paper Mill Workers' Union, Local No. 22, of Solon, Me.;

MISCELLANEOUS.

Memorial of G. H. Bass & Co., of Wilton, Me. (shoes);

Memorial of the American National Live Stock Association, of Denver, Colo. (live stock and its products);

Memorial of the Peoria Board of Trade, of Peoria, Ill. (grain);

Memorial of the De Laval Separator Co., of New York City, N. Y. (cream separators); and

Memorial of the congress of the Knights of Labor, of Albany, N. Y. (general opposition).

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 4.

To the President of the United States of America, the Senate and House of Representatives of the United States, the Secretary of the Interior, Secretary of Agriculture, and the Senators and Representatives in Congress from the State of Washington:

We, your memorialists, the senate and house of representatives of the State of Washington in legislative session assembled (twelfth regular session), most respectfully represent and pray as follows, to wit:

Whereas the President in creating and setting aside public land for forest reserve in the so-called Mount Rainier and Columbia Forest Reserve, in the State of Wshington, included therein almost four-fifths of the area of Skamania County, thereby depriving said county of the settlers which it otherwise would have; of its legitimate income from taxes, which is crippling said county financially; and

Whereas a great deal of land in said reserve, tributary to the railway and towns in said county of Skamania, is suitable and valuable for grazing and agricultural purposes; and

Whereas the timber on said land is mature and should be cut and removed in order to give the land to the public for settlement: Therefore

We earnestly and respectfully petition the President of the United States to withdraw by proclamation and open for settlement under the

public-land laws of the United States in said Mount Rainier and Columbia Forest Reserve the following-described lands, to wit: Townships Nos. 3, 4, 5, and 6 N. of ranges Nos. 5, 6, 7, 8, and 9 E. of the Willamette meridian, in Skamania County, Wash., and, further, that the Secretary of the Interior shall cause said tract of land when so withdrawn from said reserve by the President to be surveyed as early as possible, and your memorialists will forever pray.

Passed the house January 26, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate February 9, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 5.

Whereas the Rainier National Park, in the State of Washington, containing within its boundaries the noblest of American mountains, with the most important glaciers and some of the most noteworthy examples of glacial action to be found in the United States south of Alaska, is, by reason of Government ownership, wholly dependent upon congressional appropriation for the protection of its great forest areas and to make it accessible to students, tourists, and the general public; and

Whereas Congress has hitherto appropriated sums aggregating $225,000 for the survey and construction of a highway from the western boundary to Paradise Valley in said national park, a distance of 24 miles, which highway has opened to vehicles a great scenic region that is already visited by many thousands of persons annually; and

Whereas the greater portion of said national park, including the largest glaciers and the most valuable forest, is still inaccessible to tourists and incapable of protection from fires for want of proper roads and trails; and

Whereas a bill is now before Congress appropriating $50,000 for surveys and the beginning of construction of a road continuing the aforesaid highway entirely around Mount Rainier, within the boundaries of said national park; which appropriation would enable the Engineer Corps not only to locate the route of such road, but to begin construction thereof by building bridle trails on the final grades so established, thereby opening at once all parts of said national park to travel on horseback and greatly increasing the safety and utility of the park until such time as said trails may be widened into the proposed permanent road: Therefore

Resolved by the senate and house of representatives of the State of Washington, That, in view of the desirability of protecting said national park and making it fully accessible at the earliest practicable date, the Congress of the United States is respectfully requested to pass said appropriation at its present session.

Passed the senate February 7, 1911.

W. H. PAULHAMUS,
President of Senate.

Passed the house February 10, 1911.

HOWARD D. TAYLOR,
Speaker of House.

UNITED WIRELESS CO.

Mr. JONES. I present a letter from E. J. Adams, of Seattle, Wash., stating that, through Mr. Parker, of that city, several million dollars worth of stock of the United Wireless Co. has been sold there to various parties at prices ranging from $10 to $40 per share and asking for an investigation by Congress. I ask that the letter be referred to the committee having charge of the resolution of inquiry.

The VICE PRESIDENT. The letter will be referred to the Committee on Interstate Commerce.

COURTS IN MISSISSIPPI.

Mr. CLARKE of Arkansas. I am authorized by the Committee on the Judiciary to report back favorably without amendment the bill (H. R. 23695) to provide for sittings of the United States circuit and district courts of the northern district of Mississippi at the city of Clarksdale, in said district. I call the attention of the Senator from Mississippi [Mr. PERCY] to the bill.

Mr. PERCY. I ask for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. MARTIN. From the Committee on Commerce, I report back favorably without amendment the bill (S. 10822) to extend the time for the completion of the bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co., and I submit a report (No. 1195) thereon.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill.

The bill was read.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BORAH. I will not object to this bill, but I would not want the request to be repeated very often, because I want to get to work on the unfinished business.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (S. 10823) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk & Southern Railway Co., reported it without amendment and submitted a report (No. 1198) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (H. R. 22747) for the relief of Edward Swainor, reported it without amendment and submitted a report (No. 1199) thereon.

Mr. SMOOT, from the Committee on Printing, to which was referred the bill (S. 10646) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, reported it with amendments and submitted a report (No. 1200) thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to which was referred the bill (S. 1530) to reorganize the corps of dental surgeons attached to the Medical Department of the Army, reported it without amendment and submitted a report (No. 1201) thereon.

Mr. BURTON. I am directed by the Committee on Commerce, to which was referred the bill (S. 10558) to provide for the improvement of navigation in the St. Lawrence River and for the construction of dams, locks, canals, and other appurtenant structures therein at and near Long Sault, Barnhart, and Sheek Islands, to report it with amendments, and I submit a report (No. 1203) thereon. I ask that the illustrations accompanying the report be printed as a part thereof.

The VICE PRESIDENT. Without objection, it is so ordered.

PUMPING STATION AT MILES CITY, MONT.

Mr. DIXON. From the Committee on Military Affairs I report back favorably with an amendment in the nature of a substitute the bill (S. 9698) granting certain lands to the city of Miles City, Mont., now embraced within the limits of the Fort Keogh Military Reservation, Mont., and I submit a report (No. 1197) thereon. It is a very short bill and merely allows the establishment of a pumping station for water-power purposes. They are ready to go to work. I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to strike out all after the enacting clause and insert:

That the consent of the United States is hereby given to the city of Miles City, Mont., to locate, construct, maintain, and operate a pumping station, with accessory equipment, upon the property of the United States at Fort Keogh, in the State of Montana, upon the approval of the Secretary of War as to the location of the works and the design and character of the construction, and under such terms, conditions, and regulations as may from time to time be prescribed by him regarding the use of the reservation for this purpose and the operation and maintenance of the plant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting permission to the city of Miles City, Mont., to operate a pumping station on the Fort Keogh Military Reservation, Mont."

FRANCIS E. ROSIER.

Mr. BULKELEY. From the Committee on Military Affairs, I report favorably, without amendment, the bill (H. R. 21613) for the relief of Francis E. Rosier, and I submit a report (No. 1196) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws Francis E. Rosier, designated in the military records as Francis E. Rodier, who was captain of Company A, Twelfth United States Colored Heavy Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a

member of that company and regiment on the 22d of June, 1865; but no pension shall accrue or become payable prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUDGES OF COMMERCE COURT.

Mr. BACON. I am directed by the Committee on the Judiciary, to which was referred the bill (S. 8823) to amend the act entitled "An act to create a commerce court, and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, to report it with an amendment, with the recommendation that as amended the bill be passed, and I submit a report (No. 1202) thereon. I should like very much, in view of the importance of the bill, if it could receive the early action of the Senate.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. BORAH. Mr. President, if the bill will not lead to debate I will not object, but if it does I shall interpose an objection.

Mr. CULBERSON. Mr. President, I do not suggest that it will lead to debate.

Mr. BACON. I withdraw the request.

Mr. CULBERSON. But I want the bill read, so that I may understand it.

The VICE PRESIDENT. The Senator from Georgia withdraws the request for present consideration.

Mr. BACON. If the bill is going to lead to any debate, I will withdraw the request.

Mr. CULBERSON. I ask that the bill be read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the bill.

The Secretary read the bill.

Mr. HEYBURN. Mr. President, I shall object to the consideration of the bill.

The VICE PRESIDENT. No request has been made for present consideration. The request was withdrawn.

Mr. HEYBURN. If I may be permitted——

Mr. BACON. I stated that I would withdraw the request if the bill should lead to debate.

Mr. HEYBURN. It may be that what I have to say may be in order when I have said it.

The VICE PRESIDENT. The Chair did not mean to intimate that the Senator from Idaho was not in order, but thought he misunderstood the situation.

Mr. HEYBURN. I shall not say anything subject to a point of order. I exercise the ordinary right of a Senator to make a suggestion.

So far as I am concerned, when I am present I do not intend passively to see anything changing the law creating the Commerce Court enacted into law until one volume of their reports has been printed. I opposed the creation of the court, and I want to be satisfied that it is a real court before anything more is done about it.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRAZIER:

A bill (S. 10860) to establish a fish-cultural station in the county of Lincoln, in the State of Tennessee; to the Committee on Fisheries.

By Mr. DICK:

A bill (S. 10861) for the relief of Daniel Robinson, major, United States Army, retired; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KEAN submitted an amendment proposing to increase the appropriation for a public building at Bayonne, N. J., to $75,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FOSTER submitted an amendment authorizing the Secretary of Commerce and Labor to enlarge, equip, and put into effective operation the immigration station at New Orleans, La., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Immigration and ordered to be printed.

Mr. OVERMAN (for Mr. STONE) submitted an amendment proposing to increase the appropriation for drainage investigations from $100,000 to $200,000, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $15,000 for the construction and equipment of a suitable building for an experiment station and a weather station at Lawton, Okla., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

COMPANIES B, C, AND D, TWENTY-FIFTH UNITED STATES INFANTRY.

Mr. BULKELEY. I submit the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution (S. Res. 358) will be read.

The Secretary read as follows:

Resolved, That the Secretary of War be requested to transmit to the Senate a list of names of soldiers of Companies B, C, and D, of the Twenty-fifth Infantry, recommended as eligible for reenlistment by the "court of inquiry relative to the affray at Brownsville, Tex.," who have applied for reenlistment, or have reenlisted under the provisions of the act of Congress, approved March 3, 1909, and special order of the War Department No. 79, April 7, 1909, convening court of inquiry.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut for the present consideration of the resolution?

Mr. CULBERSON. I object.

The VICE PRESIDENT. Objection is made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 17, 1911:

S. 10348. An act to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city;

S. 10326. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10327. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10453. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

S. 10454. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On February 18, 1911:

S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the 'reclamation fund,' and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes";

S. 9566. An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest; and

S. 10583. An act to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 10574. An act to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906; and

S. 10836. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 146) creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camps of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to

the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912; further insists on its disagreement to the amendments of the Senate Nos. 48, 76, and 82 to the bill; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 31856) making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON managers at the conference on the part of the House.

The message further communicated to the Senate the intelligence of the death of Hon. AMOS L. ALLEN, late a Representative from the State of Maine, and transmitted the resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. SWASEY and Mr. GUERNSEY, of Maine; Mr. DAVIS, of Minnesota; Mr. O'CONNELL, of Massachusetts; Mr. KENDALL, of Iowa; Mr. LATTA, of Nebraska; Mr. GRAHAM, of Illinois; and Mr. CAMERON, of Arizona, members of the committee on the part of the House of Representatives to attend the funeral.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN conferees on the part of the Senate.

SENATOR FROM ILLINOIS.

Mr. GALLINGER. Mr. President, I desire to give notice that on to-morrow, at the conclusion of the speech of the Senator from Indiana [Mr. BEVERIDGE], I will occupy a few minutes of the time of the Senate in discussing the so-called Lorimer case.

JAMES M. SWEAT.

Mr. SMITH of South Carolina. Mr. President, there is a bill on the calendar which will take but a minute, and as I am very busy on the Committee on Agriculture and it is a very pressing matter, I should like to have it taken up out of order and by unanimous consent. It is Senate bill 7640. It is merely to correct the military record of a poor Mexican soldier. A similar bill has been heretofore passed and this bill recommended for passage by the Committee on Military Affairs of the Senate. If I can be relieved by the passage of the bill I shall be obliged.

The VICE PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 7640) to correct the military record of James M. Sweat.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs, with an amendment to strike out all after the enacting clause, and insert:

That in the administration of the pension laws James M. Sweat, late of the Third United States Dragoons, Capt. John S. Sitgreaves's company, War with Mexico, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 31st day of July, 1848: *Provided*, That no pay, bounty, or other emolument shall accrue or be payable by virtue of this act, and that the pensionable status herein granted shall date from the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James M. Sweat."

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. Mr. President, there are two private pension bills on the calendar, which ought to be passed by the Senate to-day, in order that they may go over to the other House and be taken up on the only day that they will have there for the consideration of pension bills. That being the case, I ask unanimous consent for the present consideration of Senate bill 10817 and Senate bill 10818.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none.

The bill (S. 10817) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Charles B. Flynn, late of Company K, First Regiment Nebraska Volunteer Infantry, War with Spain, $10.

George N. Holden, late of Company D, First Regiment West Virginia Volunteer Infantry, War with Spain, $12.

Humphrey L. Carter, late of Capt. P. C. Noland's Company B, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16.

John Kenney, late of Company I, Ninth Regiment United States Infantry, Oregon and Washington Territory Indian war, $16.

Duncan A. Gray, late of Thirteenth Company, United States Volunteer Signal Corps, War with Spain, $15.

William P. Armstrong, late of Battery H, Third Regiment United States Artillery, War with Spain.

Christopher J. Rollis, late captain Company G, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, $30.

The name of Samuel S. Householder, late of Company K, Third Regiment Missouri Volunteer Infantry, and Company F, Twentieth Regiment United States Infantry, War with Spain, $15.

Jesse P. Steele, late of Capt. McRay's company, Nauvoo Legion, Utah Volunteers, Utah Indian War, $16.

Lillian A. Wilmot, widow of Willie C. Wilmot, late of Company C, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month and $2 per month additional on account of each of the minor children of the said Willie C. Wilmot until they reach the age of 16 years.

George E. Seneff, late of Company K, Eighteenth Regiment United States Infantry, $24.

William L. Parks, late of Capt. Benjamin Cherry's company, Tennessee Volunteers, Florida Indian War, $16.

John A. West, late of Capt. C. Hancock's cavalry company, Nauvoo Legion, Utah Volunteers, Utah Indian War, $16.

Jen Rody Chauncey, late of Company H, Seventeenth Regiment United States Infantry, $16.

Gilford Ratliff, late of John S. Ford's company, Texas Volunteers, Texas and New Mexico Indian wars, $16.

Polk R. Kyle, late of James H. Callahan's company, Texas Volunteer Rangers, Indian wars, $16.

John D. Smith, late of the United States Navy, $30.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 10818) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

James R. Vassar, late of Company G, Fifteenth Regiment Missouri Volunteer Cavalry, $24.

Charles L. Randall, late medical cadet, United States Army, and assistant surgeon, United States Volunteers, $24.

Amos Stewart, late of Company F, Fourth Regiment Iowa Volunteer Cavalry, $24.

Armstead Fletcher, late of Company E, First Regiment Missouri State Militia Cavalry, $24.

George W. Spray, late of Company C, Thirty-eighth Regiment Illinois Volunteer Infantry, $24.

David C. Nigh, late of Company C, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, $24.

Josephus Clark, late of Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, $24.

Charles Maxwell Waterman, late of Company B, Thirty-fifth Regiment Iowa Volunteer Infantry, $30.

Eli F. Holland, late of Company C, Ninth Regiment Iowa Volunteer Infantry, $40.

David E. Fisher, late of Company E, One hundred and thirty-sixth Regiment Ohio National Guard Infantry, $24.

George F. Woods, late of Company G, Fifty-sixth Regiment New York Volunteer Infantry, $24.

Olive C. Dodge, widow of Joseph O. Dodge, late of Company G, Twelfth Regiment Maine Volunteer Infantry, $20.

William Carpenter, late of Company G, Ninth Regiment West Virginia Volunteer Infantry, $30.

Elvira E. Chase, widow of Thomas Chase, late of Company K, Thirtieth Regiment Maine Volunteer Infantry, $12.

Joseph D. Power, late of Company F, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, $24.

Lydia J. Taylor, widow of Martin Taylor, late of Company E, Thirty-third Regiment Ohio Volunteer Infantry, $20.

George H. Wallace, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, $24.

Richard W. Capen, late of Company I, Fourteenth Regiment, and Company H, Forty-eighth Regiment, Wisconsin Volunteer Infantry, $30.

John D. Trevallee, late of Company A, Second Regiment Wisconsin Volunteer Cavalry, $24.

Margaret H. Flint, widow of Wilbur F. Flint, late of Twenty-sixth Independent Battery, New York Volunteer Light Artillery, and second lieutenant Company B, Tenth Regiment United States Colored Volunteer Heavy Artillery, $12.

Francis M. Webb, late of Company A, Second Regiment Indiana Volunteer Cavalry, $24.

George F. Cooper, late of Company D, Twenty-first Regiment Michigan Volunteer Infantry, $24.

Anton Zwinge, late of Company G, Ninth Regiment United States Infantry, $24.

James W. Ward, late of Company I, Thirteenth Regiment West Virginia Volunteer Infantry, $24.

Frank W. Sencebaugh, late of Company L, Fifth Regiment Iowa Volunteer Cavalry, $24.

William N. Johnson, late of Company K, Eleventh Regiment Illinois Volunteer Cavalry, $30.

Thomas H. Morris, late of Company F, Ninth Regiment Ohio Volunteer Cavalry, $24.

William C. Knox, late of Signal Corps, United States Army, $30.

Elijah C. Davey, late of Twelfth Battery Wisconsin Volunteer Light Artillery, $24.

Robert H. Johnson, late of Company I, Eleventh Regiment Minnesota Volunteer Infantry, $24.

James W. Broom, late of Company F, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, $24.

Annie G. Long, widow of James W. Long, late captain, Second Regiment United States Infantry, $30.

George W. Rauch, late of Company I, Forty-ninth Regiment Pennsylvania Volunteer Infantry, $24.

Alfred Anderson, late of Company M, Sixteenth Regiment Kansas Volunteer Cavalry, $24.

John H. Iott, late of Company C, Battalion United States Engineers, $24.

Francis M. Ross, late of Company B, Forty-second Regiment Indiana Volunteer Infantry, $24.

General L. Boso, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, $24.

Harvey W. Hewitt, late of Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, $24.

Francis M. Truax, late of Company E, Thirteenth Regiment Missouri Volunteer Infantry; Company E, Twenty-second Regiment Ohio Volunteer Infantry; and Companies D and E, First Regiment Mississippi Marine Brigade Volunteer Infantry, $24.

Patrick H. Conarty, late of Company G, Third Regiment Missouri Volunteer Cavalry, $24.

Patrick J. Conway, late captain Company G, Ninety-eighth Regiment United States Colored Volunteer Infantry, $20.

John Richardson, late of Company E, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, $24.

Joseph M. Alexander, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, $30.

John E. Moon, late first lieutenant Company B, One hundred and fifty-first Regiment Indiana Volunteer Infantry, $24.

David Riel, late of Company G, Fifteenth Regiment West Virginia Volunteer Infantry, $24.

William H. Meece, late of Company D, Third Regiment Kentucky Volunteer Infantry, $30.

Chesley Payne, late of Company I, Third Regiment Kentucky Volunteer Infantry, $24.

Elizabeth Lucas, widow of Benjamin M. Lucas, late of Company F, Twenty-seventh Regiment Kentucky Volunteer Infantry, $20.

Robert Bell, late of Company D, Thirtieth Regiment Kentucky Volunteer Infantry, $24.

Joseph Hiler, late of Company G, Third Regiment Missouri State Militia Volunteer Cavalry, $30.

Andrew Pea, late of Company E, Fifty-fifth Regiment Indiana Volunteer Infantry, $12.

Oliver Yake, late of Company K, Twenty-second Regiment Michigan Volunteer Infantry, $30.

Charles Nobles, late of Company F, One hundredth Regiment Indiana Volunteer Infantry, $30.

Stephen E. Taylor, late of Company H, Second Regiment Michigan Volunteer Cavalry, $30.

Benjamin F. Johnston, late of Company A, Fifth Regiment Michigan Volunteer Cavalry, $30.

Freeborn H. Price, late of Company A, Ninth Regiment Michigan Volunteer Infantry, $24.

Charles H. Lamphier, late of Company F, Twenty-sixth Regiment Michigan Volunteer Infantry, $24.

Patrick O'Brien, late of Company E, Tenth Regiment Wisconsin Volunteer Infantry, $24.

Malinda Wilson, widow of George Wilson, late of Capt. Ferris's company, First Regiment Northeast Missouri Volunteer Infantry, $12.

Fannie Ladd, widow of James A. Ladd, late captain Company C, Thirty-ninth Regiment Missouri Volunteer Infantry, $20.

Edward Tippens, late of Company C, Seventy-seventh Regiment Ohio Volunteer Infantry, $24.

Kinsman Boso, late of Company A, Ninth Regiment West Virginia Volunteer Infantry, $30.

William Burris, late of Company I, Fifteenth Regiment, and Company I, Tenth Regiment, West Virginia Volunteer Infantry, $30.

Charles C. Edwards, late of Company D, Fourteenth Regiment Connecticut Volunteer Infantry, and general service, United States Army, $24.

Ellen M. Corsa, widow of William H. Corsa, late of Company G, Seventh Regiment Connecticut Volunteer Infantry, $20.

Alexander McDonald, late of Company E, Sixth Regiment West Virginia Volunteer Infantry, $24.

Isaac N. Dysard, late of Company F, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, $30.

William H. Hills, late hospital steward, United States Army, $30.

Ira A. Kneeland, late of Company H, Tenth and Twenty-ninth Regiments Maine Volunteer Infantry, $30.

Fernando S. Philbrick, late of Company G, Twenty-first Regiment Maine Volunteer Infantry, $24.

Chandler Swift, late of Company F, Twenty-third Regiment Maine Volunteer Infantry, $24.

Pleasant H. Latimer, late of Company D, Ninth Regiment Minnesota Volunteer Infantry, $30.

John Bigley, late of Troop E, Third Regiment United States Cavalry, $24.

William H. Gosset, late of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, $30.

Thomas Murray, late of Company H, Eighty-fourth Regiment Illinois Volunteer Infantry, $30.

William Swinburn, late of Company A, Fifth Regiment Ohio Volunteer Infantry, $24.

Morris Thomas, late of Company C, First Battalion, and commissary sergeant Sixteenth Regiment, United States Infantry, $24.

Gullien Tullion, late of Third Independent Battery Minnesota Volunteer Light Artillery, $30.

Samuel A. Sanders, late of Company I, Fourteenth Regiment Illinois Volunteer Cavalry, $24.

Winfield S. Janes, late of Company E, Sixth Regiment Iowa Volunteer Cavalry, $24.

William H. Fields, late of Company F, First Regiment Michigan Volunteer Infantry, $24.

Solomon Peck, late of Company B, Thirteenth Regiment Michigan Volunteer Infantry, $24.

Frank J. Clark, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, $30.

Benjamin Bortz, late of Company G, Forty-seventh Regiment Pennsylvania Volunteer Infantry, $30.

Cyrus Wilson, late of Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, $24.

Perkins H. Bagley, jr., late of Company E, First Regiment Massachusetts Volunteer Infantry, $30.

Alfred L. Tucker, late of Company H, Eighteenth Regiment, and first lieutenant Company C, Thirty-second Regiment, Wisconsin Volunteer Infantry, $30.

Francis J. Trowe, late of Company C, Second Regiment Minnesota Volunteer Cavalry, $30.

Melissa J. Kauffman, widow of Solomon Kauffman, late captain Company L, Third Regiment Indian Home Guards, Kansas Volunteers, $20.

Lewis H. Shiery, late of Company E, Thirty-first Regiment Ohio Volunteer Infantry, $30.

Andrew Marsh, late of Company H, One hundred and fifty-third Regiment Illinois Volunteer Infantry, $24.

William W. Fraser, late of Company I, Ninety-seventh Regiment Illinois Volunteer Infantry, $30.

Joseph C. Monk, late of Company D, Eighty-ninth Regiment Illinois Volunteer Infantry, $30.

Eli N. Swerdfeger, late of Company I, Thirteenth Regiment Kansas Volunteer Infantry, $30.

David H. Frink, late of Nineteenth Independent Battery New York Volunteer Light Artillery, $30.

Eli Adams, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, $24.

Benjamin F. Fulton, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, $24.

Frederick Shulley, late of Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, $24.

David Stanard, late of Company A, One hundred and eighty-sixth Regiment New York Volunteer Infantry, $30.

Daniel Younker, late of Company C, Two hundred and third Regiment Pennsylvania Volunteer Infantry, $24.

Benjamin Bennett, late of Companies K and F, Twelfth Regiment Illinois Volunteer Cavalry, $50.

Margaret J. Brownell, widow of David Brownell, late of Company G, Seventy-second Regiment Ohio Volunteer Infantry, $12.

T. Price Line, late quartermaster sergeant, One hundred and ninety-first Regiment Ohio Volunteer Infantry, $24.

Rose E. White, widow of Jacob O. White, late of Company K, One hundred and ninety-third Regiment New York Volunteer Infantry, $12.

John Hines, late of Company D, Twenty-second Regiment Wisconsin Volunteer Infantry, $24.

Austin Betters, late of Company K, Tenth Regiment Vermont Volunteer Infantry, and Battery E, First Regiment United States Artillery, $24.

Thomas Posey, late of Company G, Seventh Regiment Indiana Volunteer Infantry, $20.

Henry McBrien, late of Company D, Eighty-ninth Regiment New York Volunteer Infantry, $30.

Arthur W. Cox, late hospital steward, Nineteenth Regiment Massachusetts Volunteer Infantry, $30.

William H. H. Ranger, late of Company B, Sixteenth Regiment Michigan Volunteer Infantry, $30.

James M. Chambers, late of Company A. Sixty-first Regiment Pennsylvania Volunteer Infantry, $24.

Mary C. Galbraith, widow of William J. Galbraith, late first lieutenant, Signal Corps, United States Army, $12.

Wright T. Ellison, late of Company F, Thirteenth Regiment New Hampshire Volunteer Infantry, $24.

Benjamin T. Stevens, late of Company D, Second Regiment New Hampshire Volunteer Infantry, $24.

Richard Dent, late of Company A, Fiftieth Regiment Wisconsin Volunteer Infantry, $30.

John Rose, late of Company G, First Regiment Wisconsin Volunteer Infantry, $30.

Mark Smith, late of Company H, Seventh Regiment Wisconsin Volunteer Infantry, $55.

William B. Knapp, late of Company C, One hundred and fourth Regiment New York Volunteer Infantry, and Company K, Second Regiment New York Volunteer Cavalry, $24.

Mary P. Meade, widow of Robert L. Meade, late brigadier general, United States Marine Corps, $40.

William W. Edwards, late of Company F, Twenty-seventh Regiment Indiana Volunteer Infantry, $30.

Essie Pursel, helpless and dependent daughter of Thomas C. Pursel, late captain Company B, Eleventh Regiment Indiana Volunteer Infantry, $12.

Andrew Schoonmaker, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, $24.

Jacob Mathews, late musician, band, Seventeenth Regiment United States Infantry, $24.

George W. Fouts, late of Company A, Eightieth Regiment Ohio Volunteer Infantry, $30.

George W. McAllister, late of Company B, Fourth Regiment Vermont Volunteer Infantry, $24.

Charles H. McCarroll, late of Company L, First Regiment Vermont Volunteer Cavalry, $30.

Edward J. Miller, late of Eighteenth and Twenty-fifth Independent Batteries New York Volunteer Light Artillery, $24.

John M. Staples, late of Company I, Fifth Regiment Tennessee Volunteer Infantry, $24.

Harry G. Bingner, late of Company E, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, $24.

Theodore Clark, late of Company I, Fourth Regiment New Hampshire Volunteer Infantry, $30.

Michael Wiar, late of Companies G and B, Forty-seventh Regiment Illinois Volunteer Infantry, $30.

William McGlone, late of Company D, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, $24.

Alexander Wilson, late of Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, $24.

Calvin Buntan, late of Company B, Eightieth Regiment New York Volunteer Infantry, $24.

Lucia W. Huxford, widow of William P. Huxford, late captain Company G, One hundred and sixty-second Regiment New York Volunteer Infantry, and major, United States Army, retired, $30.

James Doyle, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, $30.

Charles O. Chapman, late of Company D, Eleventh Regiment Iowa Volunteer Infantry, $30.

John S. Cilley, late second lieutenant Company B, First Regiment New Hampshire Volunteer Cavalry, $30.

James H. Thompson, late of Company E, One hundredth Regiment United States Colored Volunteer Infantry, $24.

Benjamin F. B. Holmes, late of Company C, First Regiment Massachusetts Volunteer Cavalry, $30.

Ida M. Elder, widow of Alvah Elder, late of Company K, Thirtieth Regiment Maine Volunteer Infantry, $12.

Thomas Loughney, late of Company L, Seventh Regiment, and Company A, First Regiment, Michigan Volunteer Cavalry, $30.

William U. Thayer, late of Company C, Twenty-fourth Regiment Michigan Volunteer Infantry, $30.

John Walsh, late of Company B, Third Regiment Massachusetts Volunteer Cavalry, $24.

Marcellus E. McKellup, late of Company G, Tenth Regiment Kentucky Volunteer Cavalry, and Company C, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, $30.

George T. Kerans, late of Company H, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, $24.

Byron Rudy, late of Company C, Sixteenth Regiment Kentucky Volunteer Infantry, $24.

William A. Leech, late of Company I, Third Regiment Wisconsin Volunteer Infantry, $40.

Anna H. Fitch, widow of Butler Fitch, late captain Eighth Independent Battery New York Volunteer Light Artillery, $20.

Andrew J. Fogg, late first lieutenant Company B, Third Regiment New Hampshire Volunteer Infantry, $40.

Otis Johnson, late of Company B, First Regiment Iowa Volunteer Cavalry, $30.

Joseph P. Pittman, late of Company K, Sixty-first Regiment Illinois Volunteer Infantry, $30.

Henry G. Tuttle, late of Company E, Forty-first Regiment Missouri Volunteer Infantry, $24.

William Hise, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, $30.

James H. Morley, late of Company C, Twenty-sixth Regiment Connecticut Volunteer Infantry, $24.

Frank N. Jameison, late of Company G, Eighth Regiment Iowa Volunteer Infantry, $30.

Edward J. Moss, helpless and dependent child of Benjamin R. Moss, late of Company G, Twenty-sixth Regiment Ohio Volunteer Infantry, $12.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I ask unanimous consent for the present consideration of Senate joint resolution 134.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. NELSON. Mr. President, I propose, in the briefest possible manner, to discuss what is involved in the so-called Sutherland amendment. Before proceeding to do so, however, I desire

to call attention to some preliminary matters. Fifteen written amendments have been adopted to the Constitution of the United States since it was ratified. The first 10 amendments were incorporated very soon after the Constitution was adopted. They are almost coeval with it, and have by many been termed the "American Bill of Rights;" in fact, most of the principles involved in those 10 articles were settled and confirmed by the English people in the English Revolution of 1688.

The next two amendments—the eleventh and twelfth—were adopted but a short time afterwards. The eleventh amendment prohibits suits against a State, and grew out of a controversy in the State of Georgia between the State and some Indian tribes in that State. The twelfth amendment relates to the election of President and Vice President.

Since the days of the Civil War we have adopted three additional amendments. One, the thirteenth amendment, abolishing slavery; another, the fourteenth amendment, defining and providing for the maintenance and protection of certain civil rights; and third, the fifteenth amendment, prohibiting discrimination in the right to vote on account of race, color, or previous condition of servitude.

In addition to these 15 written amendments, Mr. President, we have, as I conceive, substantially adopted two unwritten amendments. The first of these is an amendment which relates to the power assumed by the Supreme Court to determine whether the legislative department of the Government keeps within the pale of the Constitution. Nowhere in that instrument can we find any express grant of power to the Supreme Court to pass upon that question. We speak of our Government as a Government of three separate and distinct departments, each independent of the other, but in its ultimate analysis, as a matter of fact, that is not true, because the Supreme Court by judicial construction and interpretation has assumed the power to pass upon the question whether the legislative department, and, for that matter, in an appropriate case, the executive department, keep within the pale of the Constitution. So that in the ultimate and final analysis, the Supreme Court has assumed a power over the other departments that neither of them have assumed in respect to the Supreme Court.

The Supreme Court is composed of fallible men like the legislative department, and it is quite possible that it may at times be mistaken as to the constitutionality of a law. The court itself has furnished evidence on this point in some of its reversals. But, however this may be, this power, exercised by the Supreme Court for upward of a century, has become embedded in our judicial system and in our system of government so firmly that it may be treated as though it had been expressly written in the Constitution in the first instance.

The second unwritten amendment which has been adopted by the American people is that relating to the election of President and Vice President. The Constitution provides, as Senators know, for the appointment of electors by each State in such manner as the legislature thereof may direct, and that the electors so appointed shall choose or elect the President and Vice President. The theory of the Constitution was no doubt that these electors should act upon their own judgment and volition in making a choice, but we know that as a matter of fact, and in practical operation, this theory has become obsolete and been long abandoned. The electors now and for many years past merely register the voice and the will of those who choose them, and not their own individual choice, so that it has thus come to pass that the President and Vice President are really and in substance elected by a direct vote of the people.

Another unwritten constitutional amendment has been in process of adoption for a good many years and is still in process of adoption. I refer to the election of Senators by direct vote of the people instead of an election by the legislature. I lay less stress on the fact that the legislatures of various States have passed resolutions in favor of such an amendment to the Constitution. I lay more stress on the fact that in various States the people, in order to have their will enforced, in order to have a voice in the election of United States Senators, have adopted a system of primary laws under which the people vote directly for their candidate for Senator, and, while technically members of the legislature are not obliged to comply with the results at the primaries, yet we all know that, as a matter of fact, they do comply, and a member of the legislature would no more think of disregarding the voice of the primary in his State than would a presidential elector disregard the vote of the people who elected him.

In other States, instead of a primary law they have adopted a system of instruction, through party platforms, at State conventions; and in some cases it is by instructions of legislative nominating conventions. So, as a matter of fact, if we review and scan our whole political horizon we will find that in the great majority of the States the people have taken this matter into their own hands, and in one form or another, either by a system of primary laws or by a system of instructions in party platforms, they have really and in substance, so far as they are concerned, adopted a constitutional amendment allowing them to express their choice for Senator as effectively as though they cast their votes directly for their candidate.

Now, one of the purposes of the joint resolution under consideration is to make this so-called unwritten amendment an effective written amendment of our Constitution. If the proposed amendment were limited to the one single question of tranferring the right of election of Senators from the legislature to a direct vote of the people, I take it there would be little controversy on the subject, but the joint resolution which has been reported and is now on the calendar and under consideration goes much further than that.

The joint resolution reported by the Senator from Idaho and now under consideration is an exact copy of a joint resolution to amend the Constitution reported by Representative Tucker, of Virginia, in the Fifty-second Congress, on the 16th day of February, 1892. It is exactly identical with that resolution. Mr. Tucker, in his report, unlike the Senator from Idaho in his report, was candid enough to state what the entire purpose of the joint resolution was. The report of the Senator from Idaho on the joint resolution before the Senate contains this statement, and I want Senators to compare it with the report of Mr. Tucker on a similar joint resolution:

This amendment—

And I read from the report of the Senator from Idaho—

This amendment does not propose in any way to interfere with the fundamental law save and except the method or mode of choosing the Senators.

Now, let us see what Mr. Tucker says about the same amendment:

Article I, section 4, clause 1, is as follows:
"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."
It is proposed to abrogate and annul the above in so far as it gives to Congress any control, absolute or remote and contingent, over the election of United States Senators, by substituting the following language, or so much thereof as refers to the election of Senators:
"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof."

Here is a plain, candid, honest avowal by Mr. Tucker as to the effect of his joint resolution. He not only states that it changes the mode of electing Senators by transferring the power of election from the legislatures to a direct vote of the people, but he goes further and admits and states very frankly that it is his purpose—that he proposes—to utterly divest Congress of all regulative power over the election of Senators. In other words, to repeal the first paragraph of section 4, Article I, of the Constitution, already quoted.

Mr. President, a great misconception has appeared both in the newspapers and in the remarks of Senators in this Chamber upon the so-called Sutherland amendment. I have heard many say—and it has been so said in the newspapers—that the Sutherland amendment proposes to engraft a new provision upon the Constitution of the United States. There is nothing of the kind in that amendment. The Sutherland amendment—and it is similar to an amendment that I offered in the Judiciary Committee of the Senate on the same subject—simply seeks to preserve one of the most vital and important paragraphs of the Constitution. That is the sole purpose of the Sutherland amendment.

Mr. President, I want to call your attention to this fact before I proceed further. If the joint resolution as reported by the Senator from Idaho is adopted in its entirety it will leave us with two separate rules in reference to the election of Senators and Representatives in Congress. By the first part of the joint resolution it is proposed to have Senators elected in the same manner as Members of the House of Representatives are elected, and yet if this joint resolution is adopted in its entirety we will have two rules governing elections by a direct vote of the people. The election of Members of the House of Representatives will continue to be subject to the ultimate regulative power of Congress, will still be subject to the provisions of paragraph 1 of section 4, Article I, of the Constitution, while in respect to the election of Senators elected at a popular election in the same manner as Representatives in Congress are elected the Federal Government will have no regulative power at all; the entire power will be vested in the State legislatures, to the utter exclusion of Congress.

The joint resolution not only takes away the ultimate regulative power of the Federal Government, but expressly, in exact

language, confers it upon the State legislature. Let me read the language:

The time—

It not only eliminates all of paragraph 1 of section 4, Article I, so far as it pertains to the election of Senators, but it substitutes in place of it the following:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

In other words, it destroys the power of the Federal Government, and then, in the next breath, it confers that power absolutely and without qualification upon the legislatures of the several States.

Now, while the American people, or the most of them, I take it, are in favor of amending the Constitution so as to give the people a chance to vote directly for United States Senators, the great mass of the American people are utterly opposed to relinquishing all Federal control over the election of Senators, opposed to relinquishing the power that the Constitution now gives.

It is the theory of our Government, and it is a theory of all republican forms of government, that the source of all governmental power is ultimately and finally in the people. The American people have, for purposes of government, established two separate and distinct systems of government, a Federal and national system and a State and local system.

At home we are gophers, badgers, wolverines, or whatever our States may be, but before the world and abroad we are of the United States of America. We are a nation. And the people who established these two systems of government, Federal and State, are as much interested in preserving the vitality, the integrity, and the independence of the one as of the other of those systems. The constitutions, Federal and State, are powers of attorney from the people to the respective governments, and the people have no desire and will not tolerate to place the one form of government at the mercy and sufferance of the other.

To confer the exclusive and ultimate power of regulating the election of United States Senators upon the State legislatures would be as bad in principle, as utterly wrong in principle, as to confer the power of regulating the election of members of the legislature upon Congress.

I was much interested in the argument of the Senator from Idaho [Mr. BORAH]. The first branch of the argument, if I understood him correctly, was to the effect that the States ought to have this power—a small matter anyway—the States ought to have the absolute control of the election of United States Senators. But in his final argument and final summing up he aimed to show—and that was the drift of a large part of his argument—that section 4 of Article I of the Constitution was of little value and there was no necessity for it; there were other sources of power to protect the Federal Government.

The Senator from Maryland [Mr. RAYNER] was much more candid. If I understood his remarks on this subject, they were to the effect that he and some of his friends regarded the elimination of paragraph 1 of section 4 of Article I of the Constitution of such importance that unless it was eliminated and there was substituted for it what is proposed in the joint resolution, they would not feel warranted in voting for the joint resolution.

So we have the situation where on the one side it is argued that this is such a serious question, it is a matter of such serious importance, that if you allow the people to vote directly for Senator of the United States you must rob the Federal Government of one of its great attributes of sovereignty, of its regulative power, and unless you are willing to do that they who thus argue can not support the joint resolution. On the other hand, the Senator from Idaho maintains that it is of little moment; that there are other parts of the Constitution that furnish ample power of regulation and protection.

Unfortunately the Senator from Idaho [Mr. BORAH] utterly disagrees with Alexander Hamilton. Alexander Hamilton, one of the leading members of the Constitutional Convention, and who had more to do with securing the adoption of the Constitution by the State of New York than any other statesman in that State, and without whose labor at that time probably New York would not have ratified the Constitution, regarded paragraph 1 of section 4 of Article I of such importance that he devoted three articles in the Federalist to this very paragraph in the Constitution—three very instructive articles or essays. Of course, I have not time to read them all to the Senate, but I want to call your attention to a part of what he says in his first article. I read from No. 59 of the first volume of The Federalist, concerning the regulation of elections:

The natural order of the subject leads us to consider, in this place, that provision of the Constitution which authorizes the National Legislature to regulate in the last resort the election of its own Members.

It is in these words: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators." This provision has not only been declaimed against by those who condemn the Constitution in the gross, but it has been censured by those who have objected with less latitude and greater moderation, and in one instance it has been thought exceptionable by a gentleman who has declared himself the advocate of every other part of the system.

Now, listen to this:

I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation. * * *

It will not be alleged that an election law could have been framed and inserted in the Constitution which would have been applicable to every probable change in the situation of the country; and it will, therefore, not be denied that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably organized—that it must either have been lodged wholly in the National Legislature, or wholly in the State legislatures, or primarily in the latter, and ultimately in the former. The last mode has with reason been preferred by the convention. They have submitted the regulation of elections for the Federal Government in the first instance to the local administrations, which, in ordinary cases and when no improper views prevail, may be both more convenient and more satisfactory, but they have reserved to the national authority a right to interpose whenever extraordinary circumstances might render that interposition necessary to its safety.

Nothing can be more evident than that an exclusive power of regulating elections for the National Government in the hands of the State legislatures would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs.

* * * * * * *

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States; would any man have hesitated to condemn it, both as an unwarrantable transposition of power and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would have required no comment, and to an unbiased observer it will not be less apparent in the project of subjecting the existence of the National Government in a similar respect to the pleasure of the State governments. An impartial view of the matter can not fail to result in a conviction that each, as far as possible, ought to depend on itself for its own preservation.

That, Mr. President, as Alexander Hamilton has stated so forcibly and clearly, is the gist of this whole question. Are we ready to turn over the exclusive power of regulation over the election of United States Senators to the exclusive control and jurisdiction of the States? And why, I ask, shall we have two rules in this matter? If Senators and Members are both alike to be elected in a similar manner by a popular vote, why should the Federal Government in one case have the ultimate regulating power and not in the other case? Why should the Federal Government retain the ultimate power of regulation in one case and be compelled to relinquish it in the other?

I take it that in reference to that part of the resolution which confers the exclusive regulative power upon the State legislature, the rule and principle of interpretation of the common law would apply, namely, "expressio unius est exclusio alterius." That is by expressly conferring the power upon the State legislatures you in effect take it entirely away from the Federal Government.

In this connection I wish to call the attention of the Senator from Iowa [Mr. CUMMINS] to a question that he propounded to the Senator from Montana [Mr. CARTER] the other day. I think the answer to it is found in the decision of Judge Bond of the circuit court in a case pending in the United States circuit court for the district of Maryland. I will read the syllabus as an answer to the question propounded by the Senator from Iowa.

The act of Congress——

And I take it that is the act he refers to——

The act of Congress of the 28th of February, 1871, as amended and embodied in title 26 of the Revised Statutes of the United States, more particularly sections 2021 and 2022, is constitutional, being authorized by section 4 of Article I of the National Constitution; and special deputy marshals of the United States will be protected by the Federal courts in discharging their duty under those sections of the Revised Statutes.

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly.

Mr. BACON. The Senator is reading from a decision?

Mr. NELSON. Yes, sir.

Mr. BACON. I do not know the case.

Mr. NELSON. I was simply reading a part of the syllabus, and I read it for the purpose of answering the question that I conceive was propounded by the Senator from Iowa to the Senator from Montana on Saturday.

Mr. BACON. A decision of the circuit court?

Mr. NELSON. Of the circuit court. It is in First Hughes's Reports, Fourth Circuit, volume 1, 592.

Mr. BACON. Not being familiar with that case, I venture to ask the learned Senator if he understands that rule to mean, in

the first place, that under that section it is competent to appoint deputy marshals to keep order at the polls and to carry out the provisions of law which provided for Federal supervisors? The particular point that I gathered from the reading of the syllabus by the Senator was that the Federal Government would sustain, and had the power and the duty to sustain, the deputy marshals in the performance of that duty; in other words, in the control, really, of the election. Do I understand that the meaning of it is that, if necessary, the military forces of the United States can be put at the disposition of the marshals for that purpose or be brought to their aid?

Mr. NELSON. The decision does not refer to military forces, but merely to the duties and powers of marshals in such cases.

Mr. BACON. Is not that the necessary consequence of it? Is not that the necessary meaning of it?

Mr. NELSON. Not necessarily.

Mr. BACON. That Congress, in the first place, would have the right to pass a law under which the registrars would be appointed by the Federal Government; the supervisors of the election would be appointed by the Federal Government; the judges of the election would be appointed by the Federal Government; the marshals and deputy marshals would be assigned to duty for the purpose of carrying out the orders of these registrars and supervisors and judges, and, if necessary, the Army of the United States would back up the deputy marshals in the maintenance of that authority. Is not that the necessary meaning of that decision? I am not disputing the correctness of it, but I am simply calling attention to what it leads to.

Mr. NELSON. Mr. President, I take it that the Federal Government has the right, under section 4 of Article I of the Constitution, to regulate, protect, and guard elections for Representatives in Congress, and if in any State—and we are as liable to have such a condition arise in the North as anywhere else in the country—if in any State, through lawlessness, riot, insurrection, or other causes, the people are not permitted to have a fair chance to vote either for a Member of Congress or a United States Senator, if the right of a direct vote for him is accorded, it is the duty of the Federal Government to protect them in that right and afford them an opportunity to exercise that privilege and right. It is like any other right conferred by the Constitution upon a citizen. If it is resisted, the Government must inevitably, in order to assert its supremacy, resort to such force as is necessary to execute the law if there is resistance to the law.

Mr. BACON. Mr. President——

Mr. NELSON. I will yield to the Senator in a moment, after I have stated the case more fully. In the first place, I state that the Federal Government can, in the matter of regulating elections, adopt one of two courses. It can either adopt the plan of establishing election machinery of its own relative to the election of Federal officials like Senators and Representatives, or it can adopt the machinery of the State government. But in either case the Federal Government has the ultimate power to regulate and control the election so far as it relates to the election of Senators or Congressmen.

Now I will yield to the Senator.

Mr. BACON. I think the Senator is entirely logical, and my purpose was not to take issue with the proposition which he had announced and which he was supporting by reference to authority, but for the purpose of calling attention to what would be the effect of the Sutherland amendment.

As I understand it, it is this: Of course, if the Sutherland amendment is adopted, the Federal Government would have the same power in regard to the regulation of the manner and the supervision of the election of Senators as it now has under the Constitution in the regulation of the manner and the supervision of the election of Representatives. That is a plain proposition.

As I understand the statement by the Senator, which I think is entirely correct, it is that under the recognized authority, the construed authority, decided by the courts, including the Supreme Court, the Federal Government in the case of Representatives now has the power which I am about to state, in the regulation of the manner of elections, to go forward and make a law which shall provide, in the first place, for registrars by the Federal Government, appointed through district courts, who shall determine and register the voters who shall be entitled to vote at the election.

Second. That Congress would have a right to provide in the law that the election, when it occurred, should be under the supervision of supervisors to be appointed by the district courts of the United States.

Third. That in that law there could be a provision for the appointment of Federal judges of the election, to be appointed by district judges of the United States.

Fourth. That there could be a provision in the law, as there has been in previous laws, for the attendance of marshals and deputy marshals of the United States, under the orders of the district courts of the United States, to maintain the authority of the registrars and the supervisors and the judges of election, to keep order at the polls and in other ways to carry out the orders of the Federal supervisors and Federal judges of elections.

Fifth. That if the deputy marshals were not of themselves of sufficient power and force to thus carry out the orders of the registrars and supervisors and judges of election appointed by the Federal power, the Army of the United States could be called in at the election, for the purpose of seeing that that authority was maintained.

As I understand it, that is the proposition as to the present power of the Federal Government in the supervising of elections of Representatives, and I take no issue with it, because I understand that to be the decision of the Supreme Court of the United States. The application I wish to make of it is that under the Sutherland amendment all that power would exist in the election of Senators by a direct vote of the people. Am I correct in that?

Mr. NELSON. Certainly; and why should it not be so, when we propose to elect Senators in the same manner as Representatives in Congress? All we ask, all that the Sutherland amendment implies, is that the Constitution shall be left as it is, and that the same rule shall apply to the election of Senators that applies to the election of Representatives. Where both are elected by a popular vote of the people I can not see any ground for making a distinction.

Mr. BACON. Mr. President, I will not now trespass upon the Senate to state the reasons the adoption of the Sutherland amendment would make a change, except that if the Sutherland amendment should be adopted, I shall ask the indulgence of the Senate to state why, in my judgment, the adoption of that amendment is such a radical change as would materially jeopardize the safety and interest of the people of the different States, and the resolution if thus amended, in my opinion should not be adopted.

I want to say to the Senator that I think he is logical not only in his construction of the legitimate consequences of the original proposition, or rather the application of it to the case of the election of Representatives, but he is equally logical in saying that it would equally apply to the election of Senators by a direct vote of the people if the Sutherland amendment should be adopted and put it in the same category.

There is one proposition upon which I entirely differ from the Senator. I will not take the time now to discuss it; it has been discussed heretofore; but I may trespass upon the Senate in a degree to repeat the argument to show that the proposed Sutherland amendment is not a continuance of the present provisions of the Constitution, but a most radical change; that the same words in the Constitution if applied to different and changed conditions of the law may make an entirely different condition of law. That is a proposition, however, that I do not feel I should properly trespass upon the Senate now to discuss.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly; but I would like to briefly reply to the Senator from Georgia.

Mr. CUMMINS. Very well. I will reserve my question, then, until after the reply is made to the Senator from Georgia. I do not desire to interrogate the Senator on the same point at all.

Mr. NELSON. Very well.

The PRESIDING OFFICER. The Senator from Minnesota will proceed.

Mr. NELSON. In the first place, I find the best definition of what the word "manner" implies in this paragraph of the Constitution, "the time, place, and manner," in this Maryland case that I have quoted. Here is what the court says, and it is a good definition and a very brief one:

> To regulate the manner of an election is to provide the means by which each elector expresses his choice freely and without hindrance or obstruction.

I can not see why any Senator should object to retaining in the Federal Government the ultimate power to regulate the "time, place, and manner" of holding these elections. This paragraph of the Constitution has been a part of it from the very beginning. The regulative power is given to the States in the first instance, with the ultimate and final power in the Federal Government. The framers of the Constitution said we will leave this matter, first, to the States to regulate the "time

place, and manner," but in case they should fail to make proper regulation, in case they should be negligent of their duty, in case their actions should be such as to jeopardize the integrity and welfare of the Government, we want to reserve the ultimate power in favor of the Federal Government.

It seems to me that this effort to strike down this paragraph of the Constitution is another mode of applying a doctrine which we have heard so much about among the reformers—the doctrine of "recall." I think in this case it is a "recall" of a part of the Constitution that is aimed at. Perhaps that is a part of the program of reform.

Mr. CUMMINS. Mr. President——

Mr. NELSON. Will the Senator allow me? I will yield to the Senator in a moment.

I desire in this connection, and in response to the statement made by the Senator from Georgia a moment ago, to quote the following from the opinion of the Supreme Court in the Siebold case, One hundredth United States, page 383:

> There is no declaration that the regulations shall be made either wholly by the State legislatures or wholly by Congress. If Congress does not interfere of course they may be made wholly by the State, but if it chooses to interefere there is nothing in the words to prevent its doing so, either wholly or partially. On the contrary, their necessary implication is that it may do either. It may either make the regulations or it may alter them. If it only alters, leaving, as manifest convenience requires, the general organization of the polls to the State, there results a necessary cooperation of the two governments in regulating the subject. But no repugnance in the system of regulations can arise thence, for the power of Congress over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them. This is implied in the power to "make or alter."

Now, I will yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, the Senator from Minnesota has summoned the very great authority of Alexander Hamilton with respect to this matter. I wish to ask him a question in regard to the views of that distinguished statesman as read a few moments ago.

He says, and it is quite true, that it is necessary for a government to maintain or hold the power to perpetuate itself for its own preservation. He says, and it is true, that with respect to Members of the House of Representatives the Federal Government could at any time disregard entirely the provisions of a State in regard to elections and organize and hold within the States an election for Members of the House of Representatives, and in that way, theoretically at least, preserve the House of Representatives. His words seemed to imply that something of that kind could also be done in order to preserve the Senate of the United States. My question is, with these preliminary suggestions, suppose a State were to refuse to elect Senators, by what process under section 4 of Article I could the Government of the United States enforce the election of Senators?

Mr. NELSON. All the Government could do would be to provide the proper election machinery, give the voter a full and free opportunity to express his choice at the ballot box, but it could not well compel him to vote. "You can lead a horse to water, but you can not make him drink."

Mr. CUMMINS. Yes.

Mr. NELSON. We could provide rules and regulations for holding an election, but it would not be in the power of the Federal Government to drive the people to the polls and compel them to vote——

Mr. CUMMINS. Precisely.

Mr. NELSON (continuing). Any more than it would be to compel the people of Iowa to go to the polls and vote.

Mr. CUMMINS. But we are acting here upon State governments with regard to the House of Representatives.

Mr. NELSON. Not when we pass——

Mr. CUMMINS. Yes.

Mr. NELSON. No; not when we pass this amendment giving the people the right to vote.

Mr. CUMMINS. The Senator from Minnesota did not allow me to finish.

Mr. NELSON. Go on.

Mr. CUMMINS. We are acting upon State governments in so far as the regulation of their machinery for holding elections is concerned. If, however, we desire to substitute for a regulation, a system of our own, and give the people of the States an opportunity to vote at a Federal election, we could do so.

Mr. NELSON. Certainly. Does the Senator doubt it?

Mr. CUMMINS. I do not.

Mr. NELSON. Can the Senator conceive of any reason, if we allow Senators to be elected in the same way as Members of the House of Representatives are now elected, for having a different rule in one case than in the other?

Mr. CUMMINS. I can not.

Mr. NELSON. I am glad to hear it.

Mr. CUMMINS. And the question, therefore, recurs with me—this is my personal opinion—as to the wisdom of granting that power to the General Government with respect to Members of the House of Representatives.

Mr. NELSON. It has that power now. We do not grant it.

Mr. OVERMAN. Mr. President, would there not be a different rule——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from North Carolina?

Mr. NELSON. In a moment.

Mr. CUMMINS. I have not finished the question yet, and I think the Senator from Minnesota has not answered it.

Mr. NELSON. I will yield to the Senator from North Carolina when the Senator from Iowa has concluded.

Mr. CUMMINS. I will discuss these matters more connectedly hereafter.

What made me doubtful with regard to the full application of the quotation which the Senator read from the writings of Alexander Hamilton was that there is in the Constitution now no provision by which the Federal Government can perpetuate the Senate of the United States; that is entirely at the pleasure of the States. If the States fail to exercise that power, then follows a situation which can not be dealt with through the processes of the law. When that comes, it is the equivalent of an attempt at secession, and a higher power must intervene in order to protect the life of the Government of the United States.

Mr. NELSON. That is a state of insurrection.

Mr. CUMMINS. Precisely.

Mr. NELSON. That might occur in reference to the election of Members of the House of Representatives in the same manner.

Mr. CUMMINS. It is not possible that it should occur with regard to the Members of the House of Representatives, unless the people themselves, the voters themselves, should refuse to exercise their franchise.

Mr. NELSON. Such a thing is possible as well with members of the legislature. The State legislature is composed of men. If they should refuse to act in the case of the election of a United States Senator, and the people of a congressional district should refuse to vote or to go to the polls to vote for a Congressman, you have exactly the same condition in the one case as in the other. In one case the voters are simply individual citizens, while in the other they are members of the legislature, but in either case if they abstain entirely from performing their function and duty the same result follows. Now, I yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I understood the Senator from Minnesota to say that with the adoption of the Sutherland amendment the same rule would apply to the election of Senators and Members of the House of Representatives. Am I right about that?

Mr. NELSON. Yes; the same power.

Mr. OVERMAN. The same rule as to the election?

Mr. NELSON. The same rule.

Mr. OVERMAN. Article I, section 2, of the Constitution, as to the election of Members of the House, says:

> SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

There is a different rule. Congress fixes the rule as to the election of Members of the House of Representatives, but it would not do so as to Senators.

Mr. NELSON. Bue we have in this amendment——

Mr. OVERMAN. I do not see any such provision.

Mr. NELSON. We have in this very joint resolution——

Mr. OVERMAN. I should like the Senator to show me that. The joint resolution says:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years.

I do not think there is any such provision, so far as I can see, in this amendment making a different rule.

Mr. NELSON. In what respect?

Mr. OVERMAN. As to the qualifications of electors. There is nothing said here about the qualifications of electors.

Mr. NELSON. Yes. I call the Senator's attention to lines 8, 9, and 10, on page 2.

Mr. OVERMAN. That provision, I think, has been stricken out.

Mr. NELSON. It reads:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. OVERMAN. That provision is stricken out of the copy of the resolution I have. I suppose that is the Sutherland amendment.

Mr. NELSON. It is proposed to be stricken out by the amendment of the Senator from New York, but it is a part of the original resolution. It is stricken out in this amended copy by the substitute offered by the Senator from New York.

Mr. OVERMAN. Then I was misinformed.

Mr. NELSON. So that the resolution applies precisely the same rule with respect to the qualifications of the electors for United States Senators as is applied to the qualifications of electors for Representatives in Congress.

Mr. President, the Senator from Idaho has called attention to numerous cases—and I think the Senator from Iowa saw the distinction—where the Government prosecuted men for violations of the election laws or for interfering with the right of suffrage under the Federal laws. His contention was that that had been done under the general powers of the Federal Government, and not under the fourth section of Article I of the Constitution. I want to call the Senator's attention to the fact that there is a great difference beween prosecuting a man for a violation of a Federal right, for committing an offense in violation of a Federal law, and regulating and prescribing rules and regulations as to the manner in which an election shall be carried on.

It is one thing to prosecute a man for interfering as an individual with the exercise of the elective franchise under the Federal Constitution, and it is an entirely different thing for the Federal Government to prescribe rules and regulations for the conduct of that election.

I concede that under the general powers of the Federal Government, as expressed in the Yarbrough case, independent of paragraph 4 of Article I, the Federal Government has a right to prosecute those who interfere with the exercise of the elective franchise. In this case the Supreme Court, by Justice Miller, said:

> The proposition that it has no such power—

That is, the Federal Government—

> The proposition that it has no such power is supported by the old argument often heard, often repeated, and in this court never assented to, that when a question of the power of Congress arises the advocate of the power must be able to place his finger on words which expressly grant it. The brief of counsel before us, though directed to the authority of that body to pass criminal laws, uses the same language. Because there is no express power to provide for preventing violence exercised on the voter as a means of controlling his vote, no such law can be enacted. It destroys at one blow, in construing the Constitution of the United States, the doctrine universally applied to all instruments of writing, that what is implied is as much a part of the instrument as what is expressed. This principle, in its application to the Constitution of the United States more than to almost any other writing, is a necessity, by reason of the inherent inability to put into words all derivative powers—a difficulty which the instrument itself recognizes by conferring on Congress the authority to pass all laws necessary and proper to carry into execution the powers expressly granted and all other powers vested in the Government or any branch of it by the Constitution.

The court adds:

> We know of no express authority to pass laws to punish theft or burglary of the Treasury of the United States. Is there, therefore, no power in the Congress to protect the Treasury by punishing such theft and burglary?
>
> Are the mails of the United States and the money carried in them to be left to the mercy of robbers and of thieves who may handle the mail because the Constitution contains no express words of power in Congress to enact laws for the punishment of those offenses? The principle, if sound, would abolish the entire criminal jurisdiction of the courts of the United States and the laws which confer that jurisdiction.

So, Mr. President, while the Government of the United States has the power to enact and enforce criminal laws to punish men who interfere with Federal elections, to punish men who prevent its voters from exercising their rights as American citizens, under the general powers given by the Constitution, yet the power to regulate the manner and mode in which elections shall be carried on is entirely distinct, and can rest on no other ground than paragraph 4 of Article I of the Constitution.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly.

Mr. CUMMINS. I would not want the Senator from Minnesota to misunderstand my position. He seems to differentiate it from the position of the Senator from Idaho [Mr. BORAH]. As I understood the argument of the Senator from Idaho, I was entirely in accord with him, and the paragraph just read, I think, exemplifies better than anything else could do the point made by the Senator from Idaho. It is true that the Government punishes theft under an inferential power, if you please, but would the Senator from Minnesota say that under the same power the Government had not the power to provide for post-office inspectors, for watchmen, and for every other sort of supervision and care that will prevent or would have a tendency to prevent the theft?

Mr. NELSON. That comes under the general power of establishing post offices and post roads.

Mr. CUMMINS. Precisely; and therefore under the same general powers with regard to the exercise of the right of suffrage, the Government has the power to appoint inspectors, to appoint supervisors, to appoint whatsoever instrumentalities are necessary to see to it that the laws of the United States or the rights guaranteed by the Constitution of the United States are not violated or invaded.

Mr. NELSON. That would be true under the Constitution as it is, but not as it will be if the joint resolution of the Senator from Idaho prevails.

Mr. CUMMINS. Therein I differ from the Senator from Minnesota.

Mr. NELSON. Let me read what the Supreme Court of the United States say on this very point.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. BORAH. It is not quite correct to say "the joint resolution of the Senator from Idaho," but the joint resolution which came from the Judiciary Committee.

Mr. NELSON. The Tucker resolution of 1892. I read from the case of Ex parte Siebold, One hundredth United States Reports, page 383. The court say:

> The clause of the Constitution under which the power of Congress, as well as that of the State legislatures, to regulate the election of Senators and Representatives arises, is as follows: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators."

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly.

Mr. BACON. This relates to a matter that has been passed over, but it is in connection with what the Senator is now reading. I have endeavored to enumerate, and have the Senator's judgment upon the enumeration, as to whether or not it was correct, the powers which Congress can now exercise, under the provision of the Constitution in the regulation of the manner of the election of Representatives; and I asked the Senator's opinion as to whether the same powers would exist in case the Sutherland amendment were adopted, and we should have direct election of Senators by the people; to which the Senator has properly, I think, and logically assented.

In that enumeration I omitted one that I think very important. It relates directly to what would be the effect of the Sutherland amendment. That is the question before us.

I enumerated first the power to appoint registrars, to register the voters and determine who should register and who should not register. That is one. Second, the appointment of supervisors of elections; and, third, the appointment of judges of election. Fourth, the authorization, and not only authorization, but direction, that marshals and deputy marshals, under the orders of the district court, should be at the election to maintain the authority of these registrars, supervisors, and judges; and, if necessary, that these marshals and deputy marshals should be supported by the military force, to see that the orders of these Federal officers, supervisors, and judges of elections in the State should be properly carried out and their authority maintained.

I enumerated all that, and there can be no question, under the decisions of the Supreme Court, that all of that can be done now as to the election of Representatives, although I do not think there should be any such power, and if there is any such power in the election of Representatives, I do not wish to extend it to the election of Senators. There is one, however, which I omitted, and that is they would have the still further power to appoint a returning board—the board which would canvass the returns and determine who should be declared elected as a Senator from the State. So that we would have not only the registration of voters in the States for election for Senators, and the supervisors of election, and the judges of election, and the marshals and deputy marshals, and, if need be, the military force of the United States in supervising and controling the elections, but we would have further the provision that the ultimate decision as to who was elected as a Senator and sent to this body should be by the board appointed by the district court of the United States to canvas the returns and determine the result. Would not that also be included in one of the powers under the Sutherland amendment?

Mr. NELSON. The Senator does not state the question exactly as it is. The Sutherland amendment does not change the Constitution in any particular. It leaves it as it is. The enumeration that the Senator makes applies with force and with exact fullness to the election of Congressmen under the Constitution as it is.

Mr. BACON. I understand that.

Mr. NELSON. The only difference would be if we leave that paragraph of the Constitution untouched, leave it as it is, as it has existed since the foundation of the Government, it would place the election of United States Senators by direct vote of the people on the same basis as the election of Representatives in Congress by direct vote.

Mr. BACON. If the Senator will pardon me, I do not take issue with him on that at all—that is, as to the result.

Mr. NELSON. So it is hardly correct to charge this up to the Sutherland amendment. The Sutherland amendment simply aims to leave the Constitution unbroken. There is no "recall" about it at all.

Mr. BACON. I was about to say—I thought the Senator was through or I would not have interrupted him.

Mr. NELSON. I am quite willing. I am always glad to have the Senator interrupt me.

Mr. BACON. I know; but I did not wish to interrupt the Senator before he finished his statement; and I beg his pardon, having done so only under a misapprehension. The question as to whether or not there is a change, I can not now stop to argue, because it would take too long. I am speaking of the practical result. I think there would be a great change in the law. I will endeavor later to show why. But, leaving that out of the question, the question is the practical result. The Senator will, of course, recognize the fact, and all of us must recognize it, that if the Sutherland amendment is adopted the rule with regard to the election of Senators by the people will be exactly the same as is now the rule with reference to the election of Representatives by the people.

Mr. NELSON. Certainly.

Mr. BACON. There is no question about that; and the question whether or not it is a change it is not necessary to discuss for the purpose I have in view, which is to bring clearly to the attention of the Senate what will be the effect of the adoption of the Sutherland amendment, to wit, that it will put the control of the election of Senators under exactly the same power that there is now as to the election of Representatives; and I have enumerated what are those several powers. The Senator has agreed to it.

Mr. NELSON. The Senator is undoubtedly correct.

Mr. BACON. The Senator has agreed to those I have enumerated as being the powers which, under the decisions of the Supreme Court, the Congress of the United States can exercise through the enactment of law in the control of the election of Representatives; and, of course, if the Sutherland amendment is adopted exactly the same powers will exist as to the election of Senators by the people; and I wish to add the other, and one which, undoubtedly, under the decisions of the Supreme Court, would exist as to the election of Representatives, to wit, the power to enact into law not only that there shall be Federal registrars and Federal supervisors and Federal judges and deputy marshals and military force at the polls, but that after all that there shall be a Federal returning board to determine who has been elected.

Mr. NELSON. Now, all such things, if the Senator is through——

Mr. BACON. Yes.

Mr. NELSON. All such things are liable to occur in case we have a state of chaos, in case the Government is disorganized and lawlessness prevails; and it is as liable to occur in the North as in the South.

I am in favor of maintaining the vitality and integrity of the Federal Government in this particular, not because of past conditions in the South, but because of conditions that are likely to come and confront us in the North, and because I do not want the legislative department of the Federal Government placed at the mercy of the State legislatures.

Mr. SUTHERLAND. Mr. President——

Mr. NELSON. Without any regard to conditions in the Southern States, as a matter of self-preservation, for the welfare of the people of the Northern States as well as the South, I insist that this paragraph of the Constitution should remain intact and not be repealed or amended.

Mr. BACON. Mr. President, the Senator will pardon me for a moment?

The VICE PRESIDENT. To whom does the Senator from Minnesota yield?

Mr. NELSON. I yield first to the Senator from Georgia.

Mr. BACON. Only a moment. The Senator will certainly bear me out that I have not this morning said anything about any section. There has been no mention about the South, the North, the East, or the West.

Mr. NELSON. The Senator will pardon me if I did refer to the South.

Mr. BACON. That is all right.

Mr. NELSON. I did not do it in an un-Christian sense.

Mr. BACON. I want to say to the Senator, though, that there was a law upon the statute books which contained all of the powers I have enumerated except the power of returning boards, which they could have had and which was practically the same thing with judges of election, which they had. There was a law of that kind upon the statute books with relation to election of Representatives by the people. It remained on our statute books for 23 years, and it was not at a time of chaos or anarchy or disorder.

Mr. SUTHERLAND. Will the Senator from Minnesota allow me?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Yes.

Mr. SUTHERLAND. Will the Senator from Minnesota permit me to call his attention and that of the Senator from Georgia as well to the fact that the law to which he refers—namely, the enforcement act of 1870—was passed as much because of chaotic conditions in the city of New York and other of the large northern cities as it was because of conditions elsewhere. If the Senator will read the very voluminous report which was presented to the House by Mr. LAWRENCE he will find a recital of the conditions which prevailed in those great northern cities which, to my mind, made the passage of the law of 1870 not only a necessity but a patriotic duty upon the part of the Congress of the United States.

Mr. BACON. I understand what the Senator from Utah has just said to have been addressed to the Senator from Minnesota and not to myself, because I said nothing about either the cities of the North or the conditions in the South.

Mr. YOUNG. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly.

Mr. YOUNG. I should like to ask the Senator from Minnesota one or two plain questions. One is, Does the Sutherland amendment do otherwise than try to have Senators in Congress elected as Representatives are now elected? Is that the purpose of the Sutherland amendment?

Mr. NELSON. Yes. If the Sutherland amendment is adopted the balance of the joint resolution would merely transfer the election of United States Senators from the State legislatures to a direct vote of the people.

Mr. YOUNG. I believe the Senator from Minnesota does not understand my question.

Mr. NELSON. I fear I do not.

Mr. YOUNG. I will make it a little clearer. Is it the purpose of the Sutherland amendment to elect Senators in Congress as Representatives in Congress have heretofore been elected? Is that the purpose?

Mr. NELSON. The purpose and effect of adopting that amendment is just what I have stated. The only object of the Sutherland amendment is to leave that part of the Constitution which confers the ultimate regulative power upon Congress in respect to the election of both Congressmen and Senators untarnished and in full force and vigor as it has heretofore been.

Mr. YOUNG. I want to ask the Senator from Minnesota another question. Is there anything in the Sutherland amendment involving a conspiracy against the South?

Mr. NELSON. Not unless it may be regarded as a conspiracy to insist on maintaining the integrity of the Constitution as it is.

Mr. YOUNG. Another question. Does this give Congress or the Federal Government any additional control over the election boards and those concerned in elections—powers that such boards do not now have in regard to the election of Representatives in Congress?

Mr. NELSON. It does not change or increase the power of the Federal Government in the least. I want to say, however, to the Senator from Iowa that while the election laws to which reference has been made by the Senator from Georgia, involving marshals and registration boards, and so forth, were enacted during a period of more or less lawlessness in some sections, and the necessity was felt in some parts at the time for their enactment. These laws long ago became obsolete and have been repealed, and are not likely to be restored as long as peaceful and orderly methods of election prevail, as in recent years.

So long as voters are permitted to exercise the elective franchise for Federal offices freely and without intimidation, Congress will not intervene, but will leave the State legislatures to regulate the manner of holding elections. Congress will not intervene except when it becomes absolutely necessary, and as long as the States, no matter in what part of the country they may be, allow the people to exercise the elective franchise freely and without intimidation and restraint, Congress is not at all likely to return to the legislation of bygone periods. I for one do not believe in having such laws on the statute books except in case of urgent necessity.

Mr. YOUNG. I inferred from the inquiries propounded by the Senator from Georgia that something new and radical was about to be put into the Constitution which would disturb the peaceful relations of the South and be a new evidence that the war is not over, and I wanted to know if there was anything in the Sutherland amendment justifying these anticipations. I am anxious to see no new law put on the statute books that shall oppress the people, and I am especially anxious that Senators be made elective, as Representatives in Congress are now elected, if I can fully understand how this can be accomplished. The Senator from Georgia has mystified me considerably on the subject; hence I make these inquiries.

Mr. NELSON. I can tell the Senator——

Mr. BACON. Will the Senator pardon me for a moment?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Yes.

Mr. BACON. I am extremely mortified that I should have had such an unpleasant effect in what I have said upon the understanding of the Senator from Iowa. I just rise to say this: I have studiously avoided saying anything about any section. I have not mentioned the word "South" in the morning's debate. I have no desire to do so. On the contrary, I have every desire to avoid it. But the Senators seem determined that it shall be dragged in.

The Senator from Minnesota makes an application of it which I had not made and makes a direct reference to the question of conditions in the South, which I had not made. The Senator from Iowa says that what I have said has reference to it. I have not mentioned anything of the sort and I will now forbear, unless Senators insist upon it. But if they do insist upon it we can have something to say about the South, and a good deal. We do not desire to say it, and have studiously avoided any reference to it, and yet Senators seem to think that it should be said and are determined that it shall be said.

I will wait now, Mr. President, to see whether the Senators still further insist that this shall be made a sectional question.

Mr. CLARK of Wyoming. Mr. President, with the permission of the Senator from Minnesota, I should like to ask the Senator from Georgia a question.

Mr. NELSON. I yield.

Mr. CLARK of Wyoming. I should like to ask the Senator from Georgia a question as to his views upon the particular point under discussion.

I gathered from the Senator's statement that he believes the adoption of the Sutherland amendment would create a greater or a different power in Congress over the election of Senators by the people than now exists over the election of Representatives in Congress. Am I right in that assumption of the Senator's views?

Mr. BACON. Mr. President, I have been certainly very unfortunate this morning. I have mystified the Senator from Iowa [Mr. YOUNG], and my learned and distinguished friend from Wyoming [Mr. CLARK] has utterly and entirely misunderstood me. So far from that being the case——

Mr. CLARK of Wyoming. The Senator's statement——

Mr. BACON. I hope the Senator will let me finish the sentence. So far from that being the case, I have endeavored, as emphatically as I could, to present the proposition that it would put the election of Senators, if they were held by direct vote of the people, under exactly the same law that now obtains as to the election of Representatives; and that is the particular thing I object to. So far from it being a different one, the thing I object to is it will be the same.

Mr. CLARK of Wyoming. The Senator from Georgia did not mystify the Senator from Wyoming, but the Senator from Wyoming thought perhaps he misunderstood the Senator from Georgia.

Mr. BACON. No.

Mr. CLARK of Wyoming. Now, having the clear position of the Senator from Georgia, that the Sutherland amendment gives Congress the reserve right over the election of Senators by the people to the same degree that it has over the election of Members of the House of Representatives, I understand the position of the Senator to be that that ought not to occur.

Mr. BACON. I do most distinctly, and I will not trespass upon——

Mr. CLARK of Wyoming. I suppose the Senator will later give us his reasons on that.

Mr. BACON. I will endeavor to do so, provided the Sutherland amendment is adopted. If the Sutherland amendment is adopted, I will have something to say. If it is not——

Mr. CLARK of Wyoming. I hope the Senator will give us his reasons anyway, because we would be delighted to hear them.

Mr. BACON. I have been trying to indicate already in the running debate that I shall not occupy the Senate with anything like an argument on the question if the Sutherland amendment is not adopted. If the Sutherland amendment is not adopted, I shall vote for the resolution as it came from the committee. If the Sutherland amendment is adopted, and the radical change is made which that would involve, I shall endeavor to give the Senate some reasons why I will not vote for it.

Mr. NELSON. Mr. President, what is the condition we are in in respect to this joint resolution? The Senator from Idaho [Mr. BORAH], who is most zealous in securing the right of electing Senators by the people, comes to us and, in substance, says, "You can have the privilege of transferring the power of electing Senators from the legislature to the people, but you must agree to 'recall' a part of the Constitution of the United States that has existed from the very beginning of the Government. You must relinquish all ultimate regulative power on the part of Congress and confer it exclusively upon the States. If you will agree to that you can have the blessed privilege of securing this constitutional amendment."

I beg leave in this connection to quote from Justice Woods, of the circuit court, afterwards of the Supreme Court of the United States, from the case found in Third Woods, Circuit Court Reports, pages 196 and 197, the case of the United States against Goldman. The judge states the principle involved so clearly and forcibly that I ask the indulgence of the Senate while I read it:

Section 4 of Article I, in effect, declares that the Congress may at any time, by law, make regulations prescribing the time, place, and manner of holding elections for Senators and Representatives, except as to the places of choosing Senators.

The purpose—

I call the attention of Senators to this—

The purpose of conferring this power upon Congress was that the country might not be in danger of having no Congress through the indifference of the States or their hostility to the General Government.

It was to place it out of the power of the States to prevent the election of a Congress by obstructive laws or in any other way. The ultimate right of regulating the time, place, and manner of choosing Representatives, and the time and manner of choosing Senators was therefore given to Congress, so that it might always be within the power of Congress to secure the election of a Senate and House of Representatives. (Story on the Constitution, sec. 817.)

The clause of the Constitution under consideration does not confer rights or privileges upon the individual citizen.

I call the attention of the Senator from Georgia to that:

The clause of the Constitution under consideration does not confer rights or privileges upon the individual citizen. It is a clause framed to secure the existence of the Government itself, and was made in the interest of all the people of all the States.

Such being the object and scope, what is the power granted by it? It authorizes Congress to regulate the time, place, and manner of choosing Representatives in Congress. The terms "time and place" need no commentary. What is meant by the words "manner of holding elections?" An election is not simply the depositing of a ballot in a box. If the elector is forced to vote a certain ballot against his will it is not an election so far as he is concerned, and equally so if he is prevented by violence from voting at all. An election is the expression of the free and untrammeled choice of the electors. There must be a choice and the expression of it to constitute an election. Under our American Constitution an election implies a free interchange and comparison of views on the part of the people who are voters, and finally an independent expression of choice. Any interference with the right of the elector to make up his mind how he shall vote is as much an interference with his right to vote as if he were prevented from depositing his ballot in the ballot box after he had made up his mind.

Mr. President, another branch of the argument against the Sutherland amendment is that because each House of Congress has the right to pass upon the returns, the election, and the qualification of its Members, therefore there could be no harm in eliminating paragraph 1 of section 4 of Article I from the Constitution.

Mr. President, the paragraphs of the Constitution in reference to the qualifications of Senators, and the right of each House to pass upon the election, returns, and qualifications of its Members relates only to the question of whether a Senator is qualified and has been duly elected. It has no bearing on the question of protecting the voter in the exercise of the elective franchise. It has no relevancy on the question of providing the necessary machinery for securing a free and fair election. It

has nothing to do with the matter of regulating elections or the manner in which they are to be conducted.

Mr. President, the framers of the Constitution exhibited no greater wisdom in any part of the Constitution than in this portion that is sought to be eliminated by the pending joint resolution. As Alexander Hamilton, in his three papers in the Federalist, has well said, paragraph 1, section 4, Article I of the Constitution pertains to the integrity, the vitality, and the existence of the Federal Government; and it would be a crime for us to shackle our Federal Government and place it at the mercy and control of the State legislatures by repealing this paragraph.

At present peace prevails throughout our country. The laws are enforced North and South. There is no trouble at present anywhere; there is no occasion for Federal interference; but the time may come in the distant future—and it is as liable to come in our part of the country as anywhere else—when it will be necessary for the Federal Government to intervene in respect to Federal elections in order to maintain its integrity, its vitality and existence. To strip the Government of all power, tie it hand and foot, and place it at the mercy of the States is a reform that the people of this country, I am satisfied, will spurn. If the people of the country are given to understand the true nature of this joint resolution and that they are merely afforded an opportunity to vote directly for Senators upon the condition of divesting Congress of all regulative control over the election of Senators, and conferring such control exclusively on the State legislatures, they will certainly see to it that such an amendment to the Constitution is not ratified. There is not an elector who has the welfare of the Federal Government at heart who would not spurn such a constitutional amendment.

We should be slow, Mr. President, to change any important paragraph of the Constitution. We are justified in transferring the election of Senators from the legislature to the people because the people have asked it, because the people in adopting primary laws, in passing resolutions at State and legislative conventions, have clearly indicated their intense desire to have such an amendment adopted.

But there is no justification, no call, no demand for destroying other vital parts of the Constitution, and while I have always, from the time I have had anything to do with Federal legislation, been heartily in favor of conferring upon the people the right to elect their Senators by a popular vote instead of leaving it with the legislature, yet I will never consent to make the change if it is to be conditioned on relinquishing all power of regulating elections on the part of the Federal Government and placing that power wholly and entirely in the control of the State legislatures, thus placing the legislative department of the Federal Government entirely at the mercy of the States.

I trust Senators will look at this question not from an "uplift" standpoint, not from the standpoint of the "recall," but from the standpoint of the welfare of the entire American people, and look at it from the standpoint of what is likely to occur in the distant future when the strain upon our Government will become greater than it has ever been in the past. The historian Macaulay, in his History of England, says in one place—I can not quote his language exactly, but the substance is this—that the people of America have a large area of fertile, wild, and untilled land where the congested population in the large cities and industrial centers can go in time of stress and lack of work to secure homes and a living for themselves and their families, and as long as this condition exists there will be smooth sailing for the Republic and it will be no difficult thing to enforce the rule of republican institutions; but when the country becomes overpopulated, like portions of Europe, when the cities and industrial centers become congested, when men are idle and can secure no work and there is no more cheap land or new country to occupy and develop, then will come the real strain upon republican institutions. And that day will come. It will not be in my day. It may not come in the day of any of the Senators here. But the time will come when the United States of America will be as densely populated as some of the most densely populated portions of the Old World, and then the stress and the strain will come upon this Government, State and Federal, as never before except in the Civil War. When that day arrives it will be well to have our Federal Government equipped with all the powers the fathers of the Republic, the framers of the Constitution, equipped it with instead of having it stripped of some of its most vital powers, as would be the case if the Sutherland amendment is not adopted.

Mr. BACON. Before the Senator takes his seat, or before he passes from that particular part of his remarks, I should like to make an inquiry of him.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly. I want to say to the Senator that for his kindness in giving me a little time when I was urged to proceed the other night I feel like giving him all my time.

Mr. BACON. I thought it a courtesy due to the Senator. I do not criticize those who thought otherwise, but I was very glad to endeavor to give the Senator the opportunity which he has so well utilized this morning.

The question I want to ask the Senator is this: Does the Senator regard that it is any more important that the Federal Government should have the power to regulate in all its details the election of a Senator by the people, because the power to regulate in all its details is what the Sutherland amendment means—does he regard it any more important that the Federal Government should have the power to regulate in all its details the election of a Senator, if such election is by a direct vote of the people, than that the Federal Government should have the power to regulate in all its details the election of a President of the United States?

Mr. NELSON. That is a different question. I should certainly think the Government ought to have something to say on that question.

Mr. BACON. Very well. The Senator must recognize the fact that in the election of a President of the United States the Federal Government has not the power to regulate the manner of the election, so far as the question of voting at the polls is concerned. The Senator has said that we have an unwritten amendment to the Constitution by which the President is elected by a direct vote of the people now.

Mr. NELSON. In that case there is not an election by a direct vote of the people, but indirectly, as I have suggested.

Mr. BACON. Exactly; but still that is the effect of it, and the Senator has contended that it should remain so. The Federal Government has not the power now to regulate the citizens when they go to the ballot box for the purpose of electing those officers who will select a Senator, but the Federal Government will have, under the Sutherland amendment, if the resolution is adopted, and if it should be ratified by three-fourths of the States and become a law, the right to control the citizen in his exercise of the right of suffrage when he went to vote for a Senator. If that is to be extended in the case of a Senator, I suppose the Senator would advocate an additional amendment to the Constitution requiring a direct vote of the people in the election of a President, with control of the election by Congress.

Mr. NELSON. It does not extend the power at all as to Senators. It leaves the power as it now is.

Mr. BACON. I will not discuss that proposition now. I pretermit that to a later day. It undoubtedly, in practical effect, does in effect make a change, because the election at the polls now which ultimately results in the election of a Senator is not subject to the control of Congress, and if the law should be so changed that we should have a direct vote under the present provisions of the Constitution, if you please, which is the effect of the Sutherland amendment, the Federal Government would then have the power to control the manner in which that should be held.

But that is not the question I want to discuss now. The point I am bringing the Senator to is this: The Senator is perfectly content, I assume, that the election for President of the United States should remain as it is now.

Mr. NELSON. Certainly.

Mr. BACON. Very well. Under the present system the Senator's own statement is that the practical effect is that the election is by the people, and yet under the system now in vogue the Federal Government has no power to control the manner of the election or to prescribe any of the details of it.

Now, if the Senator will pardon me, I will make myself entirely clear in stating the proposition. The Senator has stated the fact that practically the election of President is now by direct vote of the people in each State, and he is certainly correct in that. He went even to the extent of saying it is a practice so settled, so immutable, that it amounts to an unwritten amendment to the Constitution of the United States.

It is perfectly safe, according to the view of the people of the United States in the adoption of that unwritten amendment, having the exercise of the power under an unwritten amendment, to conduct the election of President of the United States without any possibility of Congress interfering in any manner to regulate the manner in which the votes shall be cast.

Of course, the only legitimate conclusion from the Senator's argument is that following the amendment to elect Senators by the people with power in Congress to control the same, we must

have another amendment of the Constitution which shall dispense with the election of President as we now have it, and give us an election of President by direct vote in each State, and of course with power in Congress to pass laws to supervise that election, which they now have not the power to do.

Mr. CARTER. Mr. President, will the Senator yield to me a moment.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. NELSON. Certainly.

Mr. CARTER. I submit to the Senator from Georgia that his proposition that the Federal Government can have nought whatever so say about the manner of conducting the election of electors is a conclusion deduced from the constitutional phraseology relating to electors alone. The Senator will recall the fact that the Constitution vests in Congress the power to fix the time at which the presidential electors shall be chosen and to prescribe the day upon which they shall meet and cast their votes for President and Vice President of the United States. This power to fix the time enables the Congress to prescribe the same day for the voting for presidential electors and Members of the House of Representatives. That has always been done.

So the power that regulates the election of Representatives in Congress of necessity regulates the casting of votes, the counting of votes, if need be, the registration of the voters; and when registered and cast and counted freely and without restraint, fraud, or violence to interfere for the Member of Congress, the right is, of course, exercised in the same manner as to the presidential electors.

Mr. BORAH. Suppose that the legislature of a State should provide that presidential electors should be appointed by the legislature of that State, which they may do——

Mr. NELSON. They may do it under the Constitution as it is.

Mr. BACON. Of course they can.

Mr. BORAH. And they have done so.

Mr. BACON. Yes.

Mr. CARTER. That could be done.

Mr. BORAH. What would be the pertinency of the Senator's suggestion then?

Mr. CARTER. That in practical operation from the beginning the same power that regulates the election of an elector regulates the election of Members of Congress. I concede that the State might provide that the legislature should choose the electors.

Mr. BACON. With the permission of the Senator from Minnesota, I wish to say to the Senator from Montana that there have been States which did elect their electors in that way. If I recollect aright, the State of South Carolina elected its presidential electors up to the time of the Civil War by its legislature.

But there is still a more direct answer to the Senator from Montana. The Senator's argument is that with the power in Congress to prescribe the day upon which the electors shall be elected, and the power in the Congress also to prescribe the day on which the Representatives shall be elected, by prescribing the same day in each case necessarily the control which they exercise over the election in the case of Representatives would extend to the case of the election over the presidential electors. That is the Senator's argument.

Mr. President, it is perfectly competent for the State to have two elections on the same day and prescribe that, apart from the election of Representatives, the voters for presidential electors shall vote in a different house and in a different box altogether, and under a different registration and under a different supervision in every particular. There is no possible ground upon which the argument of the Senator can rest.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. SUTHERLAND. As I understand the inquiry of the Senator from Georgia, it is why should the Constitution make a difference as between the election or appointment of electors for President and the election of Representatives?

Mr. BACON. No; the Senator has not correctly stated it.

Mr. SUTHERLAND. What is the Senator's inquiry, then?

Mr. BACON. I was replying to what the Senator from Minnesota had said, drawing the contrast, according to his own statement, between the effect of the law in the election of President from the effect of it in the election of Representatives. Of course, it is conceded that in one case it is a State officer and in the other it is not. The elector is a State officer and the Representative is not a State officer. The question, as phrased by the Senator from Utah, is one, of course, very easily answered, but that was not my question. My question was this: The Senator from Minnesota had presented a very earnest and strong argument in support of the proposition that it was essential to the safety of the Government, essential to the interest and the welfare of the people at large all over the United States, that the election of a Senator, if it was by direct vote of the people, should be under the control of the Federal Government if the necessity, in the opinion of Congress, should arise for that to be.

The Senator had previously said that we had an unwritten amendment of the Constitution under which the President of the United States is now in effect not elected by presidential electors, but, in practical effect, elected by a direct vote of the people in each State. I had simply replied to see whether or not the latter, the other branch of the argument of the Senator from Minnesota, was one founded in great necessity. If it be true that a direct vote of the people for the President under State control is now practically the law under an unwritten constitution, and the people are content with it and safe with it, why should they not be safe and content with it if we had an election of Senators by a direct vote of the people also under State control. The effect is the President is now elected by a direct vote of the people with no power in the Federal Government to supervise the election.

Mr. SMITH of Michigan. But they may fix the time.

Mr. BACON. Of course, but that is a minor matter, and not the manner.

Mr. SMITH of Michigan. And the time is stricken out of the Constitution.

Mr. BACON. Not the manner.

Mr. SMITH of Michigan. But the time is very essential to uniformity.

Mr. BACON. The Senator wants the time; I am perfectly willing that the Federal Government should fix the time of the election, but not the manner.

Mr. NELSON. If the Senator from Georgia will allow me, the case he puts is not a parallel case. The manner of electing presidential electors, if the Senator will refer to the Constitution he will see is put on the same ground as electing members of the legislature.

Mr. BACON. Of course.

Mr. NELSON. Members of the legislature are elected under the present system by the State governments, and under the Constitution as it reads to-day the States elect presidential electors the same as they do the members of the legislature and Congress. The Constitution leaves the election of the electors untrammeled and free, just as the election of members of the legislature. Here is the language of the Constitution:

> Each State shall appoint, in such manner as the legislature thereof may direct—

The Senator is correct; the State of South Carolina before the Civil War did select, if I recall it, their presidential electors by the legislature.

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector.

Mr. BACON. Mr. President——

Mr. NELSON. Then in this connection let me read the following:

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Now, in reference to presidential electors the situation is exactly the same as with reference to the election of members of the legislature. Under the present system the Federal Government does not interfere with the election of members of the legislature; it does not interfere with the manner of the election of the electors; but you propose now to change the system of electing Senators from an election by the legislature to a vote by the people. If you proposed the same change in respect to the election of President by a direct vote of the people, instead of through the instrumentality of electors, you would be confronted with the same question as in the case of Senators.

Mr. BACON. Mr. President, if the Senator will pardon me——

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield, and to whom?

Mr. NELSON. I will be glad to yield to both Senators.

Mr. BACON. I wish only to answer what the Senator said in reply to what I said, if the Senator from Utah will pardon me.

Mr. SUTHERLAND. Will the Senator permit me to supplement what I said with a few words? It will take only a moment.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. SUTHERLAND. I call the attention of the Senator from Minnesota to the further fact that under the Constitution Congress is given the power to regulate the manner in which the members of the legislature shall discharge their duty. They become the electors of the Senators. But the Constitution with reference to the electors of the President retains the provisions as to the manner in which those electors shall discharge their duty. So the Constitution amply provides for regulating the manner in which the ultimate electors for Representatives, Senators, and the President shall be elected. It carries the same scheme all the way through.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. BORAH. The manner of selecting the electors in the first instance is under the control of the State legislature.

Mr. SUTHERLAND. Precisely. It is under the control of the State, under the control of the legislature, just as the election of members of the legislature is under the control of the State, or under the control of the legislature, which acts for the State in such a matter. But the thing I am calling attention to is that the Constitution itself provides ample power for the Federal Government regulating the manner in which the electors of these various officers shall discharge their duty. In the case of the Representatives it is the people who elect; they are the electors. So Congress regulates the manner in which they shall discharge their duty. In the case of Senators it is the legislature who constitute the electors, and Congress may regulate the manner in which they shall discharge their duty. In the case of the President it is the electors provided for in the Constitution who elect the President, and the Constitution itself regulates the manner in which those electors shall discharge their duty.

Mr. BACON. Mr. President, if the Senator will permit me, I do not think any of us are entirely ignorant or uninformed as to what the law now is as to how a member of the legislature is elected or how a presidential elector is elected, but the question that I wanted to hear answered from my distinguished friend from Minnesota [Mr. NELSON] was this: The proposition now is to change the constitutional provision with reference to the manner of the election of a Senator so as to vest it in the people direct, to be voted for by them, and the contention of the Senator is that if vested in the people it would be unsafe to let the people exercise that right in any other way than they now exercise it in the case of a Representative. That is the contention of the Senator, and he argues that with great earnestness and force.

The Senator has said that we have had 15 amendments to the Constitution in the formal way; that we have got 2 others which were informal, but are practically as binding as if they had been thus formally enacted, adopted, and ratified; and one of them that, whereas under the Constitution electors were to be elected, and they were to exercise the free choice in the selection of some one as a President, yet by the unwritten amendment, which is universally recognized and as much in force as if it had been formally adopted, that has been done away with, and now, by the universal consent of the people to this unwritten amendment, the President of the United States is practically elected by direct vote of the people in each State, under which unwritten amendment there is no possibility of the Federal Government exercising any influence or any control as to the manner in which that direct vote shall be cast. Now, the question that I ask the Senator is this: If under the unwritten amendment, which is thus of force and thus universally recognized, it is safe for the electors to go to the ballot box and vote without Federal supervision, why is it necessary, if we make a similar change in a written and formal amendment as to the election of Senators, that there should be that Federal control and supervision? Why in the one case any more than in the other?

Mr. NELSON. Mr. President, I find it difficult to comprehend the drift of the Senator's question. The same argument applies to this proposition to transfer the election of Senators from the legislatures to the people. As a matter of fact, in the Senator's own State—I think by the primary law—the people have assumed that right, and determine at popular elections who is to be the Senator, and the members of the legislature adhere to that choice. It is the same in many other States. But now it is proposed to ratify that power and to change the mode of electing Senators by the State legislatures to a direct vote of the people.

The Constitution puts the election of presidential electors on a parity with the election of members of the legislature—that is, it leaves the States to prescribe the manner in which a member of the legislature and a presidential elector shall be elected or appointed; but when so elected or appointed that presidential elector exercises his function conformably to the Constitution and laws of the United States which prescribes the time not only when he is to be chosen but the time when he casts his vote. We have a federal statute, supplementing the Constitution, prescribing the manner in which these electors shall cast their votes. They meet at their State capitals and vote by ballot. A record is kept and that record is certified and sent here to the President of the Senate. That is covered by the twelfth amendment to the Constitution. I call the attention of the Senator from Georgia to Article XII of the amendments to the Constitution. That article reads:

> The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

That prescribes the whole modus operandi; it lays down the entire rule and regulation in respect to this matter, except the mere election of the electors, and that is left to the State, as it is in the case of the members of the legislature. There is no analogy in the point the Senator put between this case and the case of the election of a Senator by the popular vote of the people.

Mr. BACON. Mr. President, if the Senator will permit me, I will ask him the question in a little different shape. According to the statement of the Senator—and a very correct statement—there has been an unwritten amendment of the Constitution agreed to by the people of the United States, under which the people in each State now, in practical effect, vote directly for President, and the electors are the mere conduit pipes to bring that vote here to be counted. That system has been in operation ever since he and I can recollect; it has been practically the law of this land for over a half a century, as much so as if it were written in the Constitution. Now, I want to ask the Senator this question: Suppose it should be deemed important, not simply to have it an unwritten law, but to frame an amendment to the Constitution which would do away with the electors and give the people of each State the right to vote directly for President in that State, would the Senator deem it absolutely essential to prescribe in that case that Congress shall have the right of supervision over those who cast the votes at that election?

Mr. NELSON. That question has not arisen and is not involved in this case. Different conditions might prevail in reference to the election of a President.

Mr. BACON. Well, I want to know if the Senator is satisfied with the electoral conditions as they now exist in the election of President of the United States?

Mr. NELSON. I am quite content with conditions as they now exist.

Mr. BACON. As to the election of President of the United States?

Mr. NELSON. Yes.

Mr. BACON. Very well; now, if the proposition——

Mr. NELSON. What I meant by my statement in reference to the election of President was, that though still operating through the form of presidential electors, in the matter of the election of President, the people have nevertheless to a large extent taken the bit into their own mouths, and really exercise a direct influence on the subject.

Mr. BACON. Yes.

Mr. NELSON. Just as they do in the matter of the election of Senators. I called that an unwritten amendment, though perhaps not accurately.

Mr. BACON. Yes; I think quite accurately; and under that unwritten amendment the people are now electing a President of the United States practically by direct vote of the people, with no power in Congress to supervise that election.

Mr. NELSON. There is no proposition to change the Constitution in that respect. When such proposition comes before the Senate, if I am a Member of it, and it is accompanied with

a proposition to divest the Federal Government of all control in respect to the election of President, I will be ready to meet that question, but it is not before us in the joint resolution which is now pending before the Senate.

Mr. HEYBURN. Mr. President, I rise merely to call attention to a fact which some Senators seem to me to have overlooked, a provision in the Constitution which distinctly gives to Congress the power to regulate the election of electors, and that is the second paragraph of the fourteenth amendment. It gives Congress the power to enforce the right of the citizens of the United States to vote for presidential electors according to law and in express terms. That is an element of control that is as far-reaching as any other provision in the Constitution respecting the right of Congress to prescribe the qualifications of the voter for electors. It fixes the penalty; it provides that no State shall deprive the qualified voters of the right to vote for electors. The fact that it is not involved in the consideration of this joint resolution does not militate against its force as an argument that the Constitution has given to Congress the right to exercise a prescribed power. It says that no State shall prevent a citizen possessing the qualifications enumerated in section 2 of the fourteenth amendment from an equal right to participate in the election of presidential electors and members of the legislature. See how far that may go and to what extent Congress may exercise power under that amendment. That is the equivalent of the exercise of the power involved in the joint resolution under consideration. It prescribes a penalty, not optional, but arbitrary. I have been listening for some Senator to call attention to it, but it has not been done, and I merely wished to refer to it, not desiring further, unless necessary, to participate in the discussion of the question.

Mr. NELSON. The Senator is apparently correct. The provisions of the twelfth amendment——

Mr. HEYBURN. Section 2 of the fourteenth amendment.

Mr. NELSON. The twelfth amendment and the provision to which the Senator refers, section 2 of Article XIV——

Mr. HEYBURN. They are to be read together.

Mr. NELSON. They are to read together; and they clearly give the Federal Government the control over the election of electors.

Mr. HEYBURN. The General Government could declare an election void under its general power. While the penalty prescribed refers only to the representation in Congress, yet it recognizes the right of Congress to enforce its own laws.

Mr. NELSON. While all that is true, Mr. President, the discussion has proceeded recently on what might be termed academic lines. It has had reference to what would be the status of the case in respect to the election of a President and what we ought to do in that case. The Senator from Idaho [Mr. HEYBURN] has stated that proposition clearly. Taking the three provisions of the Constitution together—and I have quoted those provisions—the provisions of Article II of the Constitution, relating to the election of the President, the provisions of the twelfth amendment, and the provisions of the second section of the fourteenth amendment, these constitutional provisions all combined give the Federal Government as complete control over the election of the electors as it now has over the election of Representatives and Senators.

Mr. HEYBURN. Mr. President, if the Senator will permit me——

Mr. NELSON. I will yield the floor to the Senator.

Mr. HEYBURN. I should like, while the Senator has the floor, to make this suggestion as carrying the principle into the question under consideration: It is provided in express terms in the same amendment and in the same section that the Congress can have the same supervision over the election of members of the legislature in a State. The hand of Congress may reach down as far as the legislature to enforce a fair election.

Mr. NELSON. There is no doubt about that.

Mr. HEYBURN. I state the two propositions, because I want the first to apply as an answer to the question in regard to presidential electors, and I want the second to apply to the question of United States Senators, because the reason of the amendment was to protect the purity and the fairness of elections for members of the legislature, not because of the duties they had to perform in the State, but because of the duty that they had to perform in electing United States Senators.

Mr. NELSON. Mr. President, the same rule—and I am greatly obliged to the Senator from Idaho who has made the matter perfectly clear, much clearer than I could have done—the same rule applies practically to the election of presidential electors as to the election of members of the legislature.

Mr. HEYBURN. And incidentally to the election of Senators.

Mr. NELSON. It is under the fourteenth amendment and the other provisions of the Constitution which I have quoted that the Congress of the United States still has the ultimate regulative power. Mr. President, I have already occupied much more time than I intended at the outset, but this has been largely owing to the many most instructive and suggestive questions that have been from time to time propounded to me. I will conclude by again stating that while I am heartily in favor of amending the Constitution so as to provide for the election of United States Senators by a direct vote of the people, I am unwilling to have the granting of such an amendment coupled with the condition that the Federal Government shall relinquish all control over Federal elections, and shall be bound hand and foot and be placed at the mercy of the State legislatures. I would not want the members of the State legislatures in the matter of their election subject to the control of the Federal Government; neither do I want the legislative department of the Federal Government, or any branch of it, subrogated to the exclusive regulation and control of the legislatures of the States. The legislative department of each government—Federal and State—should be left entirely free and independent within its own orbit. This is the vital principle of our dual system of government, and the maintenance of this principle is essential to our continued existence and prosperity as a Nation. The people are as anxious to maintain the integrity of the National Government as their State governments, and they have no desire to place the National Legislature at the mercy of the State legislatures. I append a copy of the joint resolution to my remarks:

Joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah [Mr. SUTHERLAND], on which the yeas and nays have been ordered.

Mr. HEYBURN. I had understood that the Senator from North Dakota [Mr. MCCUMBER] desired to speak at this time. We are not yet ready for the yeas and nays on this matter.

Mr. BORAH. Mr. President, we will either have the yeas and nays or somebody will speak.

Mr. HEYBURN. Mr. President, that is one of those statements that perhaps had not been thought over before making.

Mr. BORAH. No, sir; I have thought it over carefully.

Mr. CARTER. Mr. President——

Mr. HEYBURN. I have the floor.

The PRESIDING OFFICER. The senior Senator from Idaho is entitled to the floor. Does he yield to the Senator from Montana?

Mr. CARTER. I ask if the Senator will permit me an interruption?

Mr. HEYBURN. Certainly.

Mr. CARTER. I think it is quite clear that a vote can not be reached between now and the hour of 2.30, when a special order will obtain, yet it is desirable that a vote be taken on the pending amendment at some time of which Senators will be advised somewhat in advance. I therefore suggest to the Senator from Idaho [Mr. BORAH], in charge of the joint resolution, inasmuch as the time is well disposed of for to-morrow and the day following, that he now ask—or, if he does not care to make the request, I will prefer the request—that a vote be taken on the Sutherland amendment at, say, 4 o'clock on Thursday afternoon. I present that with the permission of the Senator.

Mr. BORAH. Mr. President, I prefer that the Senator from Montana would permit those in charge of the joint resolution to make these suggestions.

Mr. CARTER. I suggested to the Senator that he prefer the request; or, if not, that I would be glad to prefer it. I withdraw the request for unanimous consent, Mr. President.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes; for a limited purpose.

Mr. BORAH. Mr. President, I desire to proceed with this matter at all times when we can proceed with it when we are not disposing of other business which has precedence. I think we can dispose of this subject to-morrow after the other matters of which notice has been given for the day have been disposed of. For that reason I do not think it is proper that we should delay a vote until Thursday. There is a vast amount of other business that ought to be attended to, and if we could dispose of the pending joint resolution a day previous to that we ought to do so.

Mr. CARTER. Very well, Mr. President, I have withdrawn the request.

Mr. HEYBURN. Mr. President, inasmuch as there seems to be nothing before the Senate except the senior Senator from Idaho, no suggestion having been made by the junior Senator from Idaho [Mr. BORAH] except that it might be well to do something, we shall have to proceed with the consideration of this measure. I do not know whether my colleague desires to ask for unanimous consent or not.

Mr. BORAH. I wish to proceed to a vote if there is no one who desires to discuss the question. If there is anyone who wishes legitimately to discuss it who has not had an opportunity to do so and will say so, then another consideration arises.

Mr. HEYBURN. Mr. President, that implies that a Senator must have the permission or approval of the junior Senator from Idaho. While we are considering a proposed amendment to the Constitution of the United States, I do not think there is any proposition before the Senate to amend the rules of this body. I have not heard it mentioned.

Mr. President, this great question is being rushed along as though it were a proposition before a township meeting, and one in which only the present generation or the existing office-holders were interested. The generations that have gone before us may not be interested in it, but the generations that live to-day and those that are to live hereafter have a vital interest in it. We are bound to consider it from the standpoint of to-day and to-morrow and forever, because when the Constitution is changed we can not contemplate that it will be changed again or returned to the existing status. So that it becomes a matter of such grave import that I am not at all deterred from occupying the time of this body by the urgency of haste.

The days of the week and the weeks and the months of the year have no terror for me. There is no measure pending of equal importance. If we are going to begin undermining the fundamental law of the land by adopting the joint resolution under consideration to-morrow, the suggestion made by the Senator from Georgia [Mr. BACON] in regard to presidential electors will probably be before us, and on another day other proposals of change will confront us or those who follow us, and the error of to-day, should we commit an error, will be cited in justification of the proposed changes.

Whenever you make it easy to change the Constitution, whenever the country is educated to the belief that it is a matter of minor importance, then the whole Constitution is in danger. You will next be confronted with the proposition that about seven States have already made, that we call a constitutional convention and open the door for the reconsideration of the wisdom of our fathers and the experience of a century and a quarter. That will be the next. That is the question of the hour.

We are being admonished that the States have demanded that the change be made. Well, the States have no right to make a demand except in the manner prescribed by the Constitution. A Senate that would assume to act upon an irregular or an unauthorized demand for a change in the Constitution would be unworthy to exist. Article V of the Constitution, that prescribes the manner in which the Constitution shall be amended, is the absolute rule of action that can not be varied from. If we were to vary from it in the interest of convenience we would be untrue to our oaths of office and unworthy to sit as Members of this body. When that article says that Congress, upon the request of a certain number of States, shall call a constitutional convention, that is what it means, and it does not authorize action in any other direction than that named in the Constitution. When the Constitution says that Congress may of its own motion submit an amendment to the Constitution to the legislatures of the States, it does not mean that Congress may call a constitutional convention. There is no more important question than that of keeping these two paths marked out for us utterly and absolutely distinct. You can not merge them. One of them has nothing to do with the other.

When a constitutional convention is called the result of such a convention is submitted to the people and not to the legislatures. When Congress submits an amendment, it goes to the legislatures and not to the people.

Mr. President, a few days since I called attention to the question that was before the Senate, and we, just as a court in the trial of a case, must keep the real question before us, because our responsibility is as to that issue and no other. It would be difficult to tell sometimes for those who might be listening to this debate whether we were going to amend the Constitution by a vote of the people or whether we were going to amend it by a vote of the legislatures of the States. You can not confuse them; they are distinct, just as distinct as the first and the fifteenth or any other two amendments to the Constitution.

I have no sympathy with this plea for haste. I am not in a hurry to amend the Constitution of the United States, and the people have not been in a hurry and are not to-day. I mean the thinking conservative people of the United States. I do not mean the handful of people who gather on the street corner and who have in view some gain that may come to them by amending this great Charter. I do not refer to the 112 or the 120 men who may be elected to a legislature. Their views are worth no more than are those of an equal number of men who are not elected to a legislature upon the action of the Senate in sending down to them a proposal to amend the Constitution of the United States. They are merely individuals in the legislature except when they act in pursuance of the provisions and powers which the Constitution makes on their behalf.

Do the people of the United States want to amend the Constitution on their own responsibility or do they want to amend it on the responsibility of the Congress of the United States and the legislatures? One of the grounds most seriously insisted on is that the legislature is not a fit tribunal to elect Senators and therefore that the duty should be vested in the people who make the legislatures—that is one of the arguments—that the legislatures are not fit; that they are not to be trusted; and yet you propose to intrust them with passing upon the work proposed to be done under this joint resolution. Are they better equipped, more to be trusted, in determining whether or not they will amend the Constitution than they are to be trusted in selecting a Senator? There is not in the lifetime of any legislature a duty of responsibility equal to that of passing upon an amendment to the Constitution.

Mr. President, no legislature in the United States has been called upon to exercise so high a duty in half a century, and none had been called upon to exercise so high or responsible a duty in the 50 years that preceded that period. The amendments that were submitted at the close of the war were amendments deemed in that hour to be absolutely necessary in the light of new conditions that had come about. They were not amendments intended to enable juggling over a seat in this body to be made easy or more convenient. They were amendments that in that evil hour seemed to the people necessary as a basis of the reorganization of the disrupted conditions that followed the war.

What is wrong with the method of selecting Senators? Upon what does this imaginary cry of the people rest? I asked the other day why the Constitution should be amended, because no one had been considering or discussing that feature of the question. They seemed to take it for granted that the Constitution should be amended and amended at once, but they gave no reason based upon the result of the present system or the present provisions of the Constitution. Did any Senator tell you that it was because the legislatures had proven themselves incompetent? Has any Senator suggested that under the existing provisions of the Constitution the standard of the Senate of the United States individually and collectively has been lower than it should be? Has anyone suggested that you would purify the Members of this body and the body itself of any evil that was pointed out?

I want to know the reason when I am asked to do an extraordinary thing. There is no presumption in favor of extraordinary action either by an individual or in any walk of life. The wise man, the conservative man, always wants to know, when he is asked to do an unusual thing, why "upon what do you base this request for a change," even in the slighter affairs of life? Is it not much more important that in great measures of this kind some reasons for the change should be given?

They have been fighting here for days and weeks trying to prove that it would do no harm. Are we to change the Constitution because it would not do any harm to change it? No, Mr.

President, that rule must not be applied. It should not be applied in legislation which is only temporary in its character and application. We should not pass a law because it can do no harm. We should only enact a law because it carries with it new and better conditions than the existing law.

I do not charge inattention on the part of Senators when I suggest that they have devoted their time entirely to seeing how tolerable would be the condition should the change be made. I invoke the spirit that actuated Webster when he said, "I have not leaned over to look into the future to see how tolerable would be a condition" then under consideration. I am not looking into the future to see whether or not the Government could stand the strain. I am looking for a reason in this hour and this moment for entering upon the change, and I have not heard any reason given. Is it ambition that some one should want to be known hereafter as the man who changed the Constitution of the United States or amended it? Is it ambition that some man or some men have failed under the system that has stood the test of a century to obtain that which he wanted and, failing to get it, seeks to brush away the barrier that stood between him and his ambition? Is that it?

These are pertinent questions, and they are questions that will have to be answered to the people; and when I speak of the people I do not mean these coteries that stand for any change that may be convenient to them.

When the legislatures have demanded that a constitutional convention should be called, it has at different times grown from a different inspiration. When the Supreme Court of the United States has held, in the exercise of its equity jurisdiction, that certain combinations of men could not trample upon the rights of other men because of the constitutional protection for life and property, those people have demanded that the Constitution be changed; but was their demand based upon any principle that would receive the sanction of a Senator on this floor—that the Constitution should be changed so that they might trample upon the rights of other men under the law? That is not a reason.

When the Supreme Court of the United States has held in other cases—and I need not enumerate them—that the people could only go so far in the pursuit of their fancies, then those people have demanded that the Constitution be changed. It will be an evil hour, Mr. President, when the Constitution of the United States is changed in times of peace, prosperity, and average happiness. It should be changed only upon such an urgent demand as affects the prosperity of the people, their happiness in their homes. What condition exists in the homes to-day affecting the happiness and prosperity of the people that would be improved by the amendment of the Constitution? What is the condition confronting the people that would be affected, and I mean the condition of life, liberty, and the pursuit of happiness? How would those conditions be improved by changing the manner of electing the Senators of the United States from the people's chosen and selected representatives?

I am looking for a reason. I am taking the personal responsibility of trying to find one from an analysis of existing conditions. I have had none suggested to me. So I have started out on a personal investigation of this question to see whether or not the health or the happiness of the people, either individually or in total, would be improved—not affected, but improved—by the adoption of this joint resolution.

If it was a controversy over the enactment of a statute, if we did not like it, if it did not work well, we could repeal it at some other session of the Congress; but we are undertaking a permanent change that is not subject to repeal except by the same power that makes it. Does it recommend this joint resolution to your judgment that might be changed again in order to improve it, or to revert to existing conditions?

Does that recommend to your minds a suggestion to change the Constitution of the United States?

Mr. President, it was this Constitution as it is to which we pledged our faith and our conscience when we stood up to take the oath of office. It was this Constitution to which we have devoted our duty and our services. The question has never been before the American people in such form that they could express their opinion upon it. No sufficient number of States have requested that it be changed by either method. About 17 States have asked for a constitutional convention—perhaps more. Not to exceed seven States have asked that Congress submit amendments—asking it without authority. When the law says that upon a petition of 20 citizens a certain thing may be done, it is no more proper to do it upon the petition of 19 than it is upon the petition of 2. When the Constitution says that amendments may be submitted upon the request of two-thirds of the States, acting through their legislatures, one less than two-thirds does not constitute a petition of which we can take notice. There is no rule of "pretty near" in this matter. The Constitution fixed it on arbitrary lines, and we are bound to respect them. The Senate that would submit this to a constitutional convention on one less than the number required by the Constitution would perform an illegal act, in violation of the Constitution.

We are not acting, and we have no right to claim as a basis of our action anything by virtue of the requests of men who happen to be members of the legislatures to-day and who will perhaps not be members of the legislature to-morrow. We have no right to regard their petition other than as a petition of individuals, not as a legislature or as members of a legislature. A citizen of the United States, whether he has taken an official oath or otherwise, if he has enjoyed the rights of citizenship, is bound to uphold and defend the Constitution with his life, if necessary—in his official position if he holds one; in the walks of private life, if he acts the part of a citizen there.

I wonder if any Senator thinks this question has been thoroughly discussed or that the consideration of this joint resolution has been exhausted. If he does, he never was more mistaken in his life. If you were to send this joint resolution or the result of it to the legislatures of the States, to those bodies which you would have us believe are incompetent to perform the constitutional duty invested in them, what result would you get? Do you think they would divest themselves of that high prerogative with which the Constitution invests them and refer it to unorganized government—transfer the responsible action of the members of the legislative body of the State, chosen by the people, to the ward politician? Is the selection of a Senator safer in the hands of those who at the polls in the hundreds of thousands of places in the United States would act separately, without any preparation of mind, to elect a Senator? Do you suppose that the average voter is better equipped to perform this duty than his selected representative?

Suppose, for instance, there were a charge of bribery against a Senator who appeared at the door of this Chamber to take his seat, and we were to refer the matter to the Committee on Privileges and Elections, and that committee were to start out to investigate charges of bribery in a dozen or more States in the Union, any one of which charges being sustained would deprive the Member of his seat. What kind of an experience would they face? Instead of investigating the conduct of 100 or 200 men, they would have to investigate the conduct of a hundred thousand or more men. They would then have to determine whether or not this or that poll list was pure.

I have in my mind a case of which I read yesterday, where a ballot box—I believe two ballot boxes—within a short distance from Washington, disappeared, so that there could be no recount. I read that within 24 hours. Suppose the election of a Senator was involved and the result depended upon the count of the ballots in those stolen or destroyed ballot boxes; what kind of a condition would you face? One preferable to that of to-day? I hardly think so.

Out of 1,200 men—and I use the round figures—who have been elected as Members of this body you have found that in 7 cases there was corruption in their election.

Mr. President, you can not find a better record than that in any business body or political body in this country. It is in some sections and by some people fashionable to charge the man with whom they differ with being corrupt, making irresponsible charges of fraud which they are seldom able to justify.

Mr. President, the consideration of the Sutherland amendment is of the first importance, but it has been pretty thoroughly discussed. I have directed my remarks against the whole principle involved. The Sutherland amendment is an amendment to the joint resolution, but not to the Constitution. There is some objection urged to the Sutherland amendment, which is the equivalent of supporting a proposition to amend the Constitution as represented by the Sutherland amendment. But I have not given myself much trouble over the Sutherland amendment. I shall vote for it, because that is a vote not to disturb section 4 of Article I, and inasmuch as I am opposed to disturbing the Constitution at all, I shall, in order to be consistent, vote for that amendment.

Mr. MARTIN. Mr. President, if agreeable to the Senator from Idaho——

Mr. HEYBURN. If I may yield under the rule, I personally have no objection.

Mr. GALLINGER (to Mr. HEYBURN). There is a special order.

Mr. HEYBURN. I thought that was later. I cheerfully yield, if it is half past 2 o'clock.

MEMORIAL ADDRESSES ON THE LATE SENATORS DANIEL AND M'ENERY.

Mr. MARTIN. Mr. President, I send to the desk the following resolutions, which I ask may be adopted by the Senate.

The VICE PRESIDENT. The Senator from Virginia submits the following resolutions, which will be read.

The resolutions (S. Res. 359) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JOHN WARWICK DANIEL, late a Senator from the State of Virginia.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. MARTIN. Mr. President, the duty that now devolves upon me to speak of the life and character of JOHN WARWICK DANIEL, late my colleague in this body as a Senator from the State of Virginia, is one the performance of which is attended with mingled emotions.

It is with unfeigned pleasure that I add, to those which will be so much more fittingly expresesd by others on this floor, my own humble tribute of admiration, affection, respect, and reverence for the memory of one who was an exemplar of all that is highest, noblest, and best in a manhood devoted to its country's service. And I confess to a frank and conscious pride in the privilege that is mine to speak of him in terms of an intimate relationship, based not only upon our joint service here for many years, nor merely upon our political association, but also upon a lifelong personal friendship. But these emotions are well-nigh swallowed up in a feeling of personal sorrow and loss that is yet too fresh and poignant to admit of my speaking unmoved of the man whom I devotedly loved and whose affectionate friendship I cherish in memory as one of the truest and closest that my life has known.

One can but experience a keen satisfaction in the contemplation of a life that has been rich in accomplishment, blameless in conduct, crowded with deserved honors, and blessed with that crowning glory of a great career—the devoted love of a faithful people. And this satisfaction may be shared by all whose thoughts at this hour are turned upon the career of JOHN W. DANIEL, for such a life was his in all its fullness.

It was rich in accomplishment, indeed. As a youthful soldier he contributed no little to the glory and renown of the incomparable army in which he served. As a lawyer he adorned his profession and by his learning and ability shed an added luster upon it. As an author he gave to the profession legal textbooks which brought him international fame. As a scholar his attainments were rewarded by the degree of doctor of laws conferred upon him by two great universities. As an orator he has charmed, delighted, and instructed thousands by his eloquence and has left to posterity a rich legacy of splendid orations which are destined to live among the finest known to our language. As a Senator his wisdom in counsel, his power in debate, his great knowledge of public affairs, his experience in legislation, and deep study of economics gave him high rank among the broad-minded statesmen of his time; and his conduct and example in the high office of Senator has exerted an influence upon this body that will be felt, for the country's good, for years that are yet to come.

His life was as upright and blameless in conduct as it was rich in achievement. For more than a generation he stood forth in the full glare that shines about the man in exalted public office; and through all those years not a gleam fell upon him that was not reflected in undimmed purity from his untarnished soul. He waged many political battles, he took part in many professional conflicts of great importance, he has filled many offices of public and private trust, and yet he so bore himself amidst the many temptations which must have surrounded him, as they do every man, that when he finally lay cold in death no man could point to one dishonest deed or to a single act of his life born of an unworthy motive. In all my experience of men in public or private life I never knew one whose patriotism was more exalted, whose devotion to public service was more unselfish, whose loyalty was more unswerving, or whose integrity was more unimpeachable.

It is not always true that the most capable and deserving in this world receive the rewards and honors that are commensurate with their abilities and their deserts. Too often does it happen that self-assertion and demagogism win—for a time, at least—the outward tokens of a people's regard as well as the substantial fruits of their favor. But it is pleasing to record that JOHN W. DANIEL'S life was filled with honors graciously bestowed; that he measured up in fullest stature to their every demand upon him, and yet bore them all with that unassuming modesty that was an essential part of his noble nature.

He was but little more than a boy—still in his twenties—when he was elected to the House of Delegates of the General Assembly of Virginia. From that day, back in 1869, down to the year of his death, when he was for the fifth time elected to a seat in this body, he was the recipient of almost every mark of favor and distinction that his people could confer upon him.

If there is any one feature of Senator DANIEL'S career which, more than all others, distinguished it and set it apart, it was the personal love and affection with which he was regarded by his whole people. He was known and admired by the whole United States, in the South he was loved and revered, but Virginia adored him.

He was known in every section of her broad domain. High and low, rich and poor, white and black, they all knew his face. They had heard his voice and clasped his hand. They recognized his familiar crutch and never forgot the occasion for its use. Many of them had slept with him upon the field of battle and touched his elbow as they marched into a common danger, and they knew he had never flinched nor failed. They had given him their trust and he had never betrayed them. They had sat enthralled under his matchless eloquence and had learned anew their glorious traditions and even more glorious history. They had seen him disdain the proffered bribe of self-interest and cast his lot with them and their poverty that, in sharing it, he might the better serve them. They knew him for what he was; and no man in the history of that great State, save only the peerless Lee, has ever been so beloved or more sincerely mourned than this her favorite son who has so recently gone to rest.

ANCESTRY AND BIRTH.

They that on glorious ancestors enlarge
Produce their debt instead of their discharge.

But JOHN W. DANIEL'S life presents so complete a quittance of every debt to birth and breeding that one may without danger of detracting from the son recall the distinctions of the sires.

JOHN WARWICK DANIEL was born in the city of Lynchburg, Va., on September 5, 1842. He came of a distinguished lineage, and one may find in the lives of his progenitors the promise of his own illustrious career.

His grandfather, William Daniel, sr., was a man of the highest order of intellect, a lawyer of signal ability and one of the ablest judges of his day in Virginia. He was a member of the two famous legislatures of 1798 and 1799 of that State. In the latter he was an associate of James Madison, who alone of all that distinguished company could be regarded as his superior. His great speech in the legislature of 1798 in advocacy of the renowned "Resolutions," which had been prepared by Mr. Madison on the subject of the "Alien and Sedition Laws," was perhaps the ablest delivered by any member on that side of the great debate.

For many years he was a judge of the circuit court of the State, and as such was a member of the general court as it existed prior to 1851. This court exercised final appellate jurisdiction in criminal cases, and the opinions of Judge Daniel, delivered from its bench, are noted for their lucidity and vigor, some of them being "leading cases" in Virginia, yet quoted with assurance by the present day practitioner. As a man he was rugged and strong in character, of great dignity, possessed of the judicial temperament in a marked degree, and of the most incorruptible integrity.

Peter V. Daniel, at one time a Judge of the Supreme Court of the United States, was a kinsman of Senator DANIEL, as was John M. Daniel, one of the most brilliant journalists of the South, and Briscoe B. Baldwin, a judge of the supreme court of appeals of Virginia.

William Daniel, jr., the father of JOHN W. DANIEL, was one of the ablest lawyers and most distinguished judges that Virginia has produced. He was a cultivated scholar and a most eloquent speaker, being one of the most effective advocates in the State. While yet under 25, the required age for membership in that body, he was, in 1831, elected to the house of delegates, the lower branch of the General Assembly of Virginia. He became of the requisite age, however, before his term of actual service began, and was admitted to his seat, to which he was three times consecutively reelected.

His professional attainments and high character won for him, in 1846, an election to the supreme court of appeals, Virginia's court of last resort. There he served with great distinction until 1865, when the organized government of the State was displaced by that known as the Alexandria government, which had been recognized by Congress. This period of Virginia's judicial history is, perhaps, her brightest; and Judge DANIEL'S opinions contributed no little to the high regard in

which the court was held by the profession, not only in Virginia, but in other States as well.

The mother of JOHN W. DANIEL was Sarah Anne (Warwick) Daniel, the daughter of John M. Warwick, Esq., a successful merchant, of Lynchburg, and one of her leading citizens. She was noted for her beauty of character as well as of person, and was accomplished in all the graces of the sweet womanhood of that period. She died at the early age of 24, and JOHN W. DANIEL, who was but a child, and his infant sister were taken into the home of his maternal grandfather, where he was surrounded by all that was highest and best in the delightful homes of the old South, and where he grew into sturdy boyhood.

Perhaps no one person exercised a more marked influence upon his life than did this grandfather, John M. Warwick, for whom he entertained not only the warmest affection but also the greatest admiration and respect, and to whom he paid this beautiful tribute:

A nobler man never lived, hospitable, gentle, calm, self-poised, self-contained—a gentleman in honor, in manners, and in innate refinement. A pure and lofty soul, * * * he seemed to me everything that a man could be to be respected and loved. Successful from his youth in business, with a mercantile "touch of gold," he was rich and generous without pretension or pride; and when the end of the war prostrated his fortune, and he became old and almost blind, his easy dignity lost no feature of its serene composure, and out of his true heart came no cry of pain or complaint of man or fortune. * * * He accepted the dread issue of Appomattox without a murmur, and took the fate of his people with all the fortitude and manliness, and with none of the show, of the Roman senators who saw the barbarians enter Rome.

Truly, JOHN W. DANIEL was fortunate in having such a character to preside so intimately over his life during its impressionable and formative youth, and as a companion and example for his young manhood.

MILITARY SERVICE.

At the age of 18, and still remembered as the very ideal of youthful beauty and chivalry, young DANIEL was in attendance upon Dr. Gessner Harrison's noted preparatory school, in Nelson County, Va., when the Civil War begun. He did not hesitate a moment in deciding upon his course, but immediately withdrew from school and returned to his home. There he enlisted as a private in Company B, Second Virginia Cavalry, known as the "Wise Troop," which was organized in the city of Lynchburg. For several weeks this troop remained in Lynchburg, completing its organization and preparing for service in the field. Before it was ordered to the front, however, he was commissioned by Gov. Letcher as second lieutenant in the Provisional Army of Virginia, and he was assigned to Company C, Twenty-seventh Virginia Infantry, a regiment in what soon became known as Jackson's famous "Stonewall Brigade."

He received his commission on May 8, 1861, and immediately reported for duty near Harpers Ferry. On account of his military training, received while attending Lynchburg College, he was assigned to duty as drillmaster and entered actively upon this service.

His "baptism of fire" was received at the first battle of Manassas, July, 1861. In this battle he was struck three times. He received a glancing blow on his head from a fragment of a shell, but was protected by his cap from serious hurt. He was also struck in the breast by a spent bullet, which knocked him to the ground and stunned him, but this time a metal button on his coat preserved him from an actual wound. Later in the fight he was shot in the left hip by one of the New York Zouaves, who was plainly in sight at the time and with whom he had been engaged in a sort of long-distance duel.

The last wound was quite severe, although he was able to walk off the field, using two muskets as crutches. He was carried to his home in Lynchburg, where he was confined to his bed for several weeks with fever attendant upon his wound.

His conduct in this battle was notably gallant. Although he had never been under fire before and was but a mere lad, he displayed the most intrepid spirit and daring courage and fought with all the steadiness of a veteran. In the midst of the battle and during a fierce charge, when the regimental color sergeant fell wounded, young DANIEL sprang to his side, and seizing the fallen standard, bore it aloft and forward until relieved by command. He was commended for gallantry in action by his regimental commander in the report of the battle, and was thus effectively launched upon his military career.

While still recuperating from his wound and before he was able to return to his command the Provisional Army of Virginia was abolished and the young lieutenant, who had deserved, and was confidently expecting, promotion, was without a commission. He was, however, promptly elected by its members to a second lieutenancy in Company A, Eleventh Virginia Infantry, known as the "Lynchburg Rifle Grays." He immediately reported to that company at Centerville, where it was encamped, and from thence he wrote his father that, while he had hoped for appointment to a higher rank, upon reflection he thought "a subordinate position attained by the suffrages of daily acquaintances and associates is far more honorable."

As an evidence of this confidence of his associates, which he so highly valued, he was reelected at the expiration of his enlistment in 1862.

During the spring of 1862 he was authorized by the Secretary of War of the Confederate States to raise a company of cavalry for independent service, and succeeded in doing so, being elected to the captaincy of the troop. But the conscription act of the Confederate Congress disbanded all such organizations before this company was mustered in.

It was during this same year that Mr. Benjamin, the Confederate Secretary of War, tendered him a commission as lieutenant of ordnance in the regular army of the Confederacy. This appointment young DANIEL declined because he feared it might cause his assignment to duty elsewhere than upon the actual field of battle. As Maj. DANIEL often said, he wanted a place "on the firing line and in the picture by the flashing of the guns."

Later in 1862 he was commissioned first lieutenant and adjutant of his regiment, Eleventh Virginia Infantry, upon the recommendation of its colonel, David Funston. It was while serving in this capacity that he was wounded in the left hand during the Battle of Boonsboro Mountain, Md., September 14, 1862.

While standing with other officers on the line of battle watching its progress, and while in the act of passing his pistol from one hand to the other in front of his body, a rifle bullet struck his hand, passing through it and flattening itself against the pistol which it grasped. Fortunately it did not break any of the bones of the hand and he took his penknife from his pocket and cut the bullet from the wound himself. This bullet he retained throughout his life as a souvenir of this particular occasion, having caused it to be mounted as a watch charm.

He took part in all the many battles and skirmishes in which this noted regiment was engaged until March, 1863, when he was promoted to the rank of major of cavalry and assistant adjutant general on the general staff of the Confederate Army and assigned to the division under command of Maj. Gen. Jubal A. Early.

This rank and assignment enabled him to come more closely in touch with the actual operations of the Army and the conduct of the war, much to his delight, for he was a born soldier, as well as a student of military science. His many letters to his father and grandfather, written from the field and camp during this period, show a mental grasp of the military situation and a knowledge of men and affairs that was remarkable in one not yet 20 years of age.

Young, handsome, fearless, and bold, and filled with a patriotic fire born of his firm conviction of the right of the cause for which he fought, he was a beau ideal of the Confederate soldiery. No danger daunted him; no task was too exacting, for his was a service of loyalty and love. And, boy though he was, underlying it all was a dignity and self-respect which he never forgot himself nor permitted others to disregard.

Upon one occasion, during the first days of his service upon the staff of Gen. Early, that officer, with unthinking abruptness and with needless peremptoriness, accompanied by an oath, ordered him upon some mission. The young adjutant drew himself to attention, and, looking the old general directly in the eyes, said, "General, when you address me as one gentleman should address another I will obey your orders, but not otherwise." To the credit of Gen. Early, be it said, he was too great a soldier and himself too much a gentleman not to recognize the justice of the rebuke, and, revising the terms of the order, he never again in like manner trenched upon the sensibilities of his young subordinate, who became his favorite officer of all his staff.

While serving on the staff of Gen. Early he saw active service in many of the severest battles of the Civil War, including the great Battle of Gettysburg, until he received the final wound which permanently disabled him from military service on May 6, 1864, in the Battle of the Wilderness.

During the progress of this battle and while upon some service for Gen. Early he noted a regiment of troops whose commanding officer had been killed and which had been thrown into confusion and disorder. Realizing the necessity for prompt action, he placed himself at their head and was striving to reorganize them for an advance in the face of a terrific fire when he was struck in the left leg by a minnie ball. He fell from his horse and dragged himself behind a fallen log. Finding his thigh bone shattered and the femoral vein severed, he unwound the silken sash from his waist, and, making a tourniquet above the wound, stanched the flow of blood that had

been dangerously profuse. This presence of mind and slight knowledge of surgery undoubtedly saved his life.

This wound not only disabled him from further military service, but caused him untold agony and pain for many years thereafter and discomfort and distress all the remainder of his life. It was due to this injury that he ever afterwards walked with crutches, being unable to use the wounded member except very cautiously and for short distances.

Immediately that he recovered from this wound sufficiently to move about, and realizing that his cherished ambition for a further military career was at an end, he accepted his condition as the fortune of war and turned himself to other fields. But all during his life he treasured his service in the army of his beloved South as the most precious of all his memories. Other titles were confered upon him which it was his privilege and right to adopt and use; but he preferred the simple "Major."

After the war when James L. Kemper, the commander of the famous Kemper's brigade, became governor, he appointed Maj. DANIEL upon his staff with the rank of colonel. But the title of "colonel" never stuck to him. And as Maj. DANIEL wrote in a brief autobiographical sketch he once began:

> In truth I did not desire that it should. I had won that of "major" in the steadiest army of history, the Army of Northern Virginia. * * * I have always regarded it, and regard it still, as Gen. Early called it, "my most honorable title." By it my comrades of battle know me; and when I die I wish it to be carved on a simple, unostentatious stone above my dust.

Well might he say he had won the title. He had won it by a bravery, a devotion, a dashing gallantry, and an efficiency of service not surpassed by any of his compatriots. And whatever other inscriptions may be carved upon the monuments that will be reared to his memory none will bear to the generations yet to come a higher or nobler message of patriotism, of loyalty, and of duty than the simple legend, "Major in the Army of Northern Virginia."

LAWYER AND AUTHOR.

After the war Maj. DANIEL found himself, like many other young men of the South, with maimed body and shattered fortunes. The environment of wealth that had been his lot had been changed by the blight of war, and he realized that he must make his own fortune and carve out his own future. Deciding upon law as a profession, he entered the law school of the University of Virginia under the great teacher, John B. Minor. He had inherited from his father and grandfather a peculiar adaptability to his chosen profession, and his career as a student at the university convinced all who knew him that he was marked for success at the bar.

He began the practice of his profession in Lynchburg as a partner with his father, which partnership continued until the latter's death in 1873. Being studious by nature, diligent in research, and splendidly grounded in the great principles of the law, his intellectual ability, high character, and power of advocacy soon established his reputation. As his experience widened and his intellect matured he took higher and higher rank in his profession, until few lawyers of the country could be regarded as his equal. His learning, his habits of industry, and his thorough preparation of every case, together with his winning personality and magnificent presence, made him a power before court and jury alike.

For many years he was in full and active practice in the State and Federal courts of Virginia and in the Supreme Court of the United States. He appeared in many of the most important cases before the supreme court of appeals of Virginia, where his briefs were noted for their scholarly style, beauty of diction, logical arrangement, and argumentative force; and where his oral arguments are conceded to be the most masterly ever addressed to that tribunal.

Although his public duties became more and more exacting as he grew older in the public service, he never lost his love for his profession and never withdrew entirely from its practice. For a number of years before his death he maintained a partnership with his son and his son-in-law and continued to the end to give personal attention to the more important business of the firm.

Within three years from his admission to the bar he issued his first legal textbook, Daniel on Attachments. This work, designed for use particularly in the States of Virginia and West Virginia, was published in 1869, met with immediate success, and has ever since been regarded as a standard authority by the courts and bar of both of these States.

His splendid treatise on "negotiable instruments" is the work by which he is best known to the profession generally, and is his legal masterpiece. He had this work under preparation during eight years, and, in the midst of the countless demands upon his time and energies, spent long periods in the law libraries at Richmond, Baltimore, and New York, where he could have convenient access to original authorities.

The work first appeared in 1876, was at once recognized as the leading authority on the subject, and has ever since been regarded as a standard and a classic in all the courts of the English-speaking countries. His old law instructor, John B. Minor, one of the greatest, if not the greatest, law teacher of this country, and himself an author of a monumental legal work, once said with obvious pride:

> Upon the subject of negotiable instruments I bow my head to JOHN W. DANIEL, my pupil.

His publishers, when the work was first in press, asked him in surprise how it happened that a "provincial lawyer" from a small town could have produced so excellent and exhaustive a treatise. He replied with his usual modesty that it was, perhaps, because he was a provincial lawyer from a small town, and therefore had the necessary time to give to its preparation.

The work has been through five editions, in 1876, 1879, 1882, 1891, and 1902. All of them, save the last, he prepared with his own hand. It is probably this book which, more than any other one thing, won for him his honorary degree of LL. D., which was conferred upon him by the University of Michigan and also by Washington and Lee University in his own State.

POLITICAL CAREER.

Maj. DANIEL had scarcely become settled in the practice of his profession before his intellectual gifts, his talent for public speaking, and his personal popularity as well, perhaps, as his natural inclination, forced him into the political arena. He was a Democrat of the purest extraction, and prided himself upon the fact that for over a hundred years he and his ancestors had voted with that party without ever scratching a ticket.

He was elected as a Democrat to the Virginia House of Delegates in 1869, his constituency embracing the city of Lynchburg and county of Campbell, and served in that body for three years.

In 1874 he was elected by the same constituency to the State senate for four years, and was reelected in 1878.

During his service in the State legislature he made an enviable reputation as a legislator, and especially as a debater upon the public questions under consideration at that time. He had taken an active part in the campaigns of his party and had won a personal following all over the State that insured his rapid political promotion. In the meantime, however, and due more to his youth than to any other cause, he had been twice defeated for the Democratic nomination for Congress, and once for the nomination for governor.

But in 1881 he was nominated as the Democratic candidate for the governorship. His speech of acceptance before the convention at Richmond was a masterpiece of political oratory and fired his party with enthusiasm and loyalty. The great issue of the campaign was the funding of the State debt, and thousands of those who had theretofore regularly supported the Democratic Party during this fight allied themselves with the Republicans, and under the party name of "Readjusters" the coalition presented the most formidable opposition the Democrats had ever met, being led by Hon. William E. Cameron, an able, learned, and aggressive candidate.

The campaign was the most brilliant ever waged in Virginia. The ablest men in the Commonwealth threw themselves heart and soul into the contest on one side or the other, and public interest was aroused to the highest pitch of excitement.

Throughout the contest JOHN W. DANIEL was the central figure. He swept over the State, from the mountains to the sea, and everywhere cast the spell of his magnetic eloquence over the thousands who crowded to hear him; revealing to them his high motives, his magnificent abilities, and his splendid qualifications for leadership. And although his party was defeated at the polls he had so firmly established himself in the confidence and regard of the people that from that day he became a leader in Virginia whose clarion voice could ever summon a host to follow and whose supremacy in their affections was never afterwards open to question.

In 1884 Maj. DANIEL was elected to Congress from the sixth congressional district and had scarcely entered upon his actual service when he was elected to the United States Senate for the term beginning March 4, 1887. To this high office he was reelected four consecutive times, each time without party opposition and twice by the unanimous vote of the legislature.

He was elector at large on the Democratic ticket in 1876 and delegate to every Democratic national convention since 1880 except that of 1884. He became a familiar and favorite figure at these gatherings and was elected temporary chairman of the convention of 1896.

In 1901 he was elected a member of the Virginia constitutional convention and would inevitably have been elected its

president had he permitted himself to be placed in nomination for that office, but, with characteristic generosity, he declined to do so and said:

> There are so many gentlemen who are eminently worthy of this office in the convention that it would seem appropriate to confer the distinction on some one of them who has not been so favored as myself.

He was made chairman of the Committee on Suffrage, and entered so vigorously upon the work of that body immediately following a trying session of Congress, that his health gave way under the strain, and for several months he was compelled to withdraw from attendance upon its sessions. He was able to return, however, before its close and took a prominent part in the debates upon its floor and in the actual framing of Virginia's present organic law.

At the time of his death Maj. DANIEL was the oldest Democratic Senator in point of service, and but four among its entire membership had seen a longer continuous service in this body. By virtue of the rule of seniority which prevails here, he held membership upon two of the Senate's most important committees, and enjoyed all the power and prestige incident thereto. But apart from this, and by virtue of his character, ability, and personality alone there was no Senator on this side of the Chamber and but few on the other who exercised a wider or more potent influence both here and beyond these walls.

His unfailing courtesy and gentle manners, his honesty and frank candor, his consideration for others, and his strict observance of all the highest and best traditions of this body not only made him a conspicuous and attractive figure but endeared him to all his associates. And now that he is gone, and we no longer see his familiar face and hear his well-known voice, it is not only the distinguished Senator whom we miss, but a cherished friend as well, for whom we sincerely grieve.

ORATOR.

It is doubtful if any man in public life since the days of the great triumvirate of oratory in this body has surpassed Senator DANIEL in all the qualifications of a great orator. To a mind stored with classic learning and teeming with the riches of a broad and brilliant culture, nature had contributed the aid of features strikingly handsome, a noble countenance, and a pleasing voice. Manly in bearing and commanding in presence, he was a splendid figure, to which his lameness added a touch of the picturesque. Trained from his youth in the arts of public speaking, with gestures full of grace and a tongue schooled to rounded phrases, he won the attention of his auditors with his first sentences, and, captivating their minds with his brilliance and logic and firing their enthusiasm with his eloquence, he frequently swayed them almost at will.

From his earliest manhood he was in constant demand as a speaker on public occasions, and has perhaps delivered a greater number of prepared addresses than any other man of his day. His subjects covered a wide range, and he was sometimes happiest in a lighter vein, but he was always thoughtful and never spoke for the sole purpose of entertainment.

At the unveiling of the recumbent statue of Robert E. Lee, at Lexington, Va., in 1883, he delivered the memorial address. To this occasion he brought not only all of his great gifts, but an affection and veneration for his subject that filled him with inspiration, and the result was a magnificent oration that aroused his hearers to the highest pitch of enthusiasm and was immediately acclaimed all over the country as a masterpiece of oratory. It was undoubtedly his greatest effort, and among the many splendid addresses he has elsewhere delivered it stands preeminent and will survive as a classic.

But had he never made this speech, numerous others would have made him great in this field, for there is a long list of ceremonial occasions upon which he delivered orations worthy alike of the occasion and himself. Among those deserving especial mention because of their beauty and eloquence are:

His speech delivered at the ceremonies attending the dedication of the Washington Monument.

His address upon "Jefferson Davis," delivered before the Legislature of Virginia upon its invitation.

His address upon "Stonewall Jackson."

His address at Kings Mountain upon the centennial anniversary of that battle.

His speech upon "Virginia," delivered at Chicago during the World's Fair on Virginia day.

His address in the House of Representatives at the celebration of the centennial of the establishment of the Government at Washington.

His speech at the Confederate Reunion in New Orleans.

His address upon "Abraham Lincoln."

His oration at the unveiling of the bust of John B. Minor, at the University of Virginia.

His speech upon "Thomas Jefferson."

His address upon "Americanism," at the University of Michigan, and his two lectures, "The English-Speaking People" and "The Unities of the Union."

It is needless to mention his many magnificent speeches delivered upon this floor. Always alert as to the business under consideration, and ready and able to maintain himself at all times in running debate, yet he rarely addressed the Senate except upon questions of importance and only after careful preparation. Upon occasion, however, when the exigencies of the moment required, he would take the floor for an impromptu speech, and always commanded the most respectful attention, for the Senate had learned that he never spoke save when he had something to say worth while for it to hear.

His great speech in the Senate on "The Free Coinage of Silver" is justly regarded as among the ablest of all the many utterances upon that subject, and that upon "The Independence of Cuba" was an especially brilliant example of his eloquence and power.

Upon the stump he was peculiarly effective. Delighting to mingle with the great masses of the plain people, for whom he entertained the greatest admiration and respect, he accepted every convenient opportunity to address them in their small towns and country villages; and many of his finest speeches were made upon such occasions.

With all his splendid capacities and powers, he never permitted them to be applied to invective or bitterness or ridicule. But always and ever he displayed an innate courtesy, an easy dignity, a gentleness of bearing, a frankness and candor, and a nobility of thought, that robbed the most carping critic of any doubt of his sincerity and mental integrity. And whether in the United States Senate, or before the most distinguished courts, or upon the village greens of Virginia, he was equally at his ease; because he was always conscious of his own honesty of purpose and purity of motive and knew that nothing save a lack of these need make him afraid.

> His tongue was taught no phrase of harshness;
> His lips could speak no word of guile;
> But gentleness and truth, twin virtues,
> Attended him, with sweetest smile.

THE MAN.

JOHN W. DANIEL was one of the most lovable of men. He possessed a personal magnetism that seemed to draw to him all classes and conditions alike. Sweet tempered and serene, responding to every advance of friendliness and affection, and with a superb loyalty to those admitted to his friendship, he became a general favorite from his first appearance in the Senate. While ever a staunch defender of Virginia and the South, brooking no unjust attack upon either from any quarter, he yet had none of the rancor and bitterness that too often displayed itself on both sides of this Chamber, especially during the earlier days of his service.

It is doubtful if any one man during more than a generation past has exerted a greater influence in the restoration of the harmony and friendship between the North and the South that is now so happily accomplished. It was one of the treasured purposes of his life. In the course of his eulogy upon the late Senator Quay, delivered upon this floor, and after referring to the era of ill-feeling that had so long existed, he said:

> I could pay to his memory no better and no sincerer tribute, and for my country could express no better wish, than by saying at his open grave, "God grant that the departed era may return no more to our country."

Because of this trait of character, perhaps, as well as his many other virtues, he has numbered among his warmest friends and admirers men whose political faith, sectional affiliations, and familiar associations were utterly at variance with his own. And thus we see one Republican Vice President directing his portrait to be forwarded to Senator DANIEL with warmest expressions of affection, and another who writes him from far-off China:

> I could pay to his memory no better and no sincerer tribute, and that you will enjoy a well-earned vacation. Conserve your strength, for the country has much need of you.

Mere incidents in themselves, but evidences of the universal regard and esteem in which he was held by all his associates here.

In his family relations, he was a most devoted husband and loving father, whose keenest delight was to do some act that would bring pleasure to wife or children. Simple and unaffected in his manners and habits, but stately in his courtesy and native dignity, he was a typical "gentleman of the old school," and as a brilliant Virginia editor recently wrote in an appreciative editorial, "the pity of it is that the 'old school' has closed its doors and the type is no longer produced."

His affability and approachableness were known to everyone in his home town of Lynchburg, and his daily drives to his

office were almost triumphal processions. Everybody wanted to speak to "The Major," as they all called him, and to shake his hand. And to none, whether white or black, was his gracious and courteous salute denied.

He was a most indefatigable worker; and until recent years rarely ever retired until long after midnight. He preferred the undisturbed quiet of later hours for his labors, although his wonderful power of concentration enabled him to work under conditions that would have driven most men from the attempt in despair. Few could have sustained their strength under the burden of work he imposed upon himself, nor could he have done so except for his splendid constitution and his peculiar ability to sleep anywhere and at any time when he so willed.

The lure of gold never dazzled the eye of JOHN W. DANIEL. His attainments and professional ability brought him many flattering offers that would have meant opportunities to accumulate a fortune commensurate with the value of the service sought from him. But he preferred the daily association with those whom he affectionately called his "own people," and the environment and atmosphere of his native Virginia; and after 30 years spent almost continuously in public office, he died as poor in purse as when he began. But he has left to his children, in the memory of his illustrious career, his incorruptible honesty and stainless honor, and in the assurance of his enduring fame a heritage more to be treasured than all the riches of the world.

ILLNESS AND DEATH.

During the fall of 1909, while Senator DANIEL was in Philadelphia, he was taken ill with pneumonia and was confined for some weeks to his room at the Bellevue-Stratford. Before he was sufficiently restored to strength to return home he suffered a slight stroke of paralysis which affected his right hand and leg. This attack was not dangerous in itself and, returning to Lynchburg, he soon recovered therefrom. But it was premonitory of a serious condition and none knew better than he what it portended. His father and grandfather alike, at about his age, had died from attacks of apoplexy; and he had frequently stated his belief that his end would come in like manner.

Under directions from his physicians he went to Florida during February, 1910, in the hope that a few weeks in the open air of its congenial climate would enable him to return to his duties in the Senate. But while at Daytona, on March 8, he suffered a severe stroke of paralysis affecting his whole left side. The news of his grave condition brought sorrow and fear to every heart; and when later he lapsed into coma and his death seemed imminent, Virginia fell upon her knees and prayed that he might be spared to her yet a little while longer. For many weary weeks he battled for his life, and so far maintained his strength that his family were able to bring him back to his beloved Virginia on April 24. There all that love could suggest and science could accomplish was done for him; and for many more weary weeks the fight continued, now with a ray of hope to cheer, and again with the grim desperation of almost hopeless despair.

And during all these trying days the bulletins of his condition were the foremost items of news to the whole people of Virginia. They literally watched at his bedside with his family and joined them in their tearful prayers, as was the right of their boundless love and admiration. But the hand of fate was upon him, and on June 29 he suffered another and severer stroke, and it was known his hours were numbered. And when, at 10.35 o'clock on that night, the tolling bells of the city rang out the sad message that the end had come, Virginia bowed her head and abandoned herself to grief.

In obedience to his own well-known desires his obsequies were as simple and unostentatious as the determination of the people to honor his memory would permit. His body lay in all the calm dignity of death, without ceremony or any trappings of state, in the home of his beloved daughter. There many of his old comrades in arms and lifelong friends, among both races and from all ranks and stations, came to look their last upon his noble face, which bore upon it the stamp of that serenity and peace which gave assurance that his oft-expressed, dearest wish had been fulfilled, and that he had "passed out of the world at peace with God and man."

The impressive Episcopal service for the burial of the dead was read in St. Paul's Church in the presence of the governor of Virginia and his staff, the senatorial and congressional delegations, the delegations from the two Houses of the General Assembly of Virginia, many of the officers of the State and city, and an assemblage of distinguished citizens that taxed the capacity of the edifice. The cortege was formed for its journey to beautiful Spring Hill Cemetery, preceded by battalions of State militia and with the band playing the beautiful hymn, "Nearer My God to Thee." A solemn stillness which pervaded the air bespoke the splendid tribute of his native city—not a wheel of industry was turning, every business house was closed.

The mournful procession for more than a mile of its sad journey moved onward between solid masses of the city's people, and the flowing tears that fell from the eyes of strong men and sweet women alike attested the fact that it was no idle curiosity that brought them forth, but that it was their last tender tribute to a departed friend.

As the sun was slowly sinking in the west the body was lowered to its final resting place. His beloved comrades of the Army of Northern Virginia formed a cordon about his open grave, a volley of musketry rang out upon the air, taps was sounded, the old soldiers in gray stood at their final salute, the grave was covered with beautiful flowers, and all that was mortal of JOHN W. DANIEL was closed to the sight of man forever.

But JOHN W. DANIEL is no more dead than are other thousands of the great and good whose works yet live after them and whose influence is yet felt upon the earth. Men such as he can not live and die and count death the end. But for countless years will his tongue continue to speak to listening thousands and uplifting them by his noble thoughts. And for generations yet to come will men be higher and nobler themselves because of his nobility and purity of character.

In due course a monument is to be erected to the memory of Senator DANIEL in his native city of Lynchburg. An offering from the entire people of the State of Virginia, it will be beautiful and enduring. But whatever of art may be spent upon its design it can not be more beautiful than the character it is to commemorate, and whatever material may enter into its construction it will crumble into dust before the name of JOHN W. DANIEL shall have been forgotten or his influence shall have ceased to live. For he was a

> Statesman, yet friend to truth, in soul sincere,
> In action faithful, and in honor clear.

Mr. FOSTER. Mr. President, I offer the resolutions which I send to the desk.

The VICE PRESIDENT. The Secretary will read the resolutions submitted by the Senator from Louisiana.

The resolutions (S. Res. 360) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. SAMUEL DOUGLAS MCENERY, late a Senator from the State of Louisiana.

Resolved, That as a mark of respect to the memory of the deceased Senator the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. FOSTER. Mr. President, it is with feelings peculiarly tender that I offer this last tribute to the memory of my late colleague, Senator SAMUEL DOUGLAS MCENERY.

There was so much of his public life intimately connected with my own, almost from the time I reached man's estate until he died, that his death was a veritable shock to me. He was lieutenant governor of Louisiana and presiding officer of the State senate at the same time I became a member of that body, and for years we fought shoulder to shoulder many of the political battles of the State until political exigencies demanded that we should lead opposing forces in the bitterest factional contest Louisiana has ever known. These differences were buried years ago, and in their stead there grew up and existed the warmest friendship. Our relations in this body were particularly friendly, and I felt a great personal loss when he passed away.

SAMUEL DOUGLAS MCENERY was a native of Monroe, La. His father, Col. Henry O'Neil McEnery, was born in Ireland, but emigrated to this country in early youth, and settled at Petersburg, Va., where he married Miss Elizabeth Douglas, of that State.

His father remained in the Old Dominion some years after marriage, and several sons were born there, among them John McEnery, an elder brother of the Senator, who was also destined to become one of the governors of Louisiana.

The father moved with his young family from Virginia to Louisiana in 1835, settled in Ouachita Parish, acquired a plantation, and there, two years later, on May 28, 1837, his youngest son, SAMUEL DOUGLAS, was born.

It was a new country, and had been settled by strong and masterful men, who were planters on a large scale and employed

slave labor. They had to meet and overcome untold difficulties, and, without doubt, these early experiences left their imprint on the boy, for they were calculated to develop the traits of independence, pluck, and courage that marked his career throughout life to the very end.

But while the hardships of those early days were many the rewards were even greater. Land was plentiful, the crops abundant, and the family prospered.

Col. McEnery was an able and successful man, one who made many friends and acquired a great deal of influence in his adopted State. He was a Whig in politics until that party disappeared before the aggressive onslaughts of the "Know Nothings," when he became a Democrat, and remained a conspicuous figure in that party until death. As a reward for his public services he was twice appointed register of the land office at Monroe, La., a position of trust and responsibility, especially in a new country at that time.

Col. McEnery was enabled to equip his sons for the struggle of life in the best schools and colleges the country afforded, and his youngest son, who had been named for an uncle on the Federal bench in Florida, was given a thorough academic education at Spring Hill College, conducted by the Jesuit Fathers, near Mobile, Ala. After graduating there he was appointed to the United States Naval Academy at Annapolis, and practically finished the course at the institution, when he resigned to enter the University of Virginia, where he remained until the death of his father in 1857. Then he matriculated at the National Law School at Poughkeepsie, N. Y., studied two years, and was graduated in 1859.

At the solicitation of a former classmate at Annapolis he went to Maryville, Mo., opened a law office, and had begun the practice of his profession there when the war came on between the States. Without hesitancy he responded to the call of the South and enlisted as a private in the army of the Confederacy. The rudiments of military training received at the United States Naval Academy, together with a masterful and intrepid character, attracted the attention of his superiors, so that while serving under Gen. Magruder in the early Virginia campaigns he was promoted and commissioned a lieutenant. Later he was transferred to the trans-Mississippi Department, where he saw hard service and heavy fighting.

With peace he returned to Louisiana to assist in rebuilding it from the devastation of four long years of war and secured employment teaching school in Ouachita Parish. He was to learn, however, that those who had just laid down their arms could not travel the paths of peace until another long and bitter struggle was waged, even more cruel than hostilities in the open field conducted under the rules of war.

It is not necessary to recount the horrors of that time. Their enormities have often been repeated here, and the country is familiar with them.

It suffices to say that out of those bitter and angry passions a condition developed calling for all there was of leadership and patriotism among the white men of the South, and it was at this juncture that Capt. SAMUEL DOUGLAS MCENERY first became generally known and endeared to the people of the State.

All through the struggle to restore white supremacy Capt. MCENERY was active, determined, and aggressive, never ceasing his efforts until the government of Louisiana rested again in the hands of the white people. Then he returned to his labors in the public schools and later resumed the practice of law.

At this time a number of public offices were tendered him as a reward for the part he took in redeeming the State, but he refused them.

He had been marked as one of the leaders of the time, however, and in 1879 was nominated for lieutenant governor. This honor was all the greater, because the convention that named him was controlled by the opposing faction of his party, and its action was in recognition of his heroic service in the cause of white supremacy.

As lieutenant governor he served two years, when the death of Gov. Wiltz, in 1881, called him to the gubernatorial chair and placed the destinies of Louisiana in his hands.

Shortly after he assumed office the seat of government was removed from New Orleans back to Baton Rouge, where it had existed before the war, and he will always be remembered as the first executive to administer the affairs of the State from the restored capital.

Few executives have had to contend with such unfavorable conditions as prevailed in the State at that time. War, pestilence, flood, and famine, following in close succession, left their fell effect upon her people.

The financial condition, when he became governor, was unsatisfactory. Doubt, distrust, and litigation had well-nigh destroyed the credit of the State, and at one time it was feared that certain of the courts would have to suspend for want of funds.

The expenditures largely exceeded the revenues. By way of illustration, the receipts from licenses and taxes placed to the credit of the general fund in 1880–81 were little more than half the appropriations charged against the fund. The magnitude of the task confronting him can therefore be readily seen.

To meet this deplorable situation Gov. MCENERY convened the legislature in extra session, and our public duties brought us together then for the first time.

In his first message he called attention to the fact that during the Reconstruction period the revenue laws of the State had been progressively growing less efficient. Large amounts of property, movable and immovable, had escaped taxation, and there was no uniformity of assessment. As a consequence some sections were paying a large tax on a high valuation, and others a small tax on a low valuation.

The assessment roll for 1880 showed a valuation of less than $178,000,000, which was wrong, he said, and did the State no credit; if fairly assessed at only two-thirds of its valuation the assessment should easily show $300,000,000, and he recommended legislation that would correct the evils of unjust and unequal valuation.

But before these reforms could be carried out, and almost at the inception of his administration, Louisiana was almost overwhelmed with the most destructive flood that has ever visited any State.

Inundations have by no means been infrequent in the history of that Commonwealth, but none have approached the destruction wrought in 1882. The torrent that swept down from the northern rivers broke through the levees of Louisiana in 83 different places. The arable land inundated amounted to 606,674 acres, and in 16 parishes alone the loss sustained amounted to $12,061,910.

In this torrent, dwelling houses, cabins, fences, and all improvements were swept away; the work stock and cattle were drowned by the thousands, and the destruction and suffering of the people was intense. Thousands of families were imprisoned for days upon the roofs of houses, rafts, or small areas of elevated land, and when the floods subsided they were powerless to cultivate their fields.

There were recurring floods for the next two years, and the damage was less only because the flood had left less to destroy.

The empty treasury, the havoc wrought by the elements, the demand for levees and other public works, together with the unsettled conditions throughout her borders, demanded executive ability of high order to direct the ship of state, and Gov. MCENERY threw himself into the work with all the zeal and energy that had characterized his leadership in the White League.

Two years after the disastrous flood of 1882 he reported to the legislature that 120 contracts for the construction of levees had been let, and that 130 miles of levees, embracing over three and one-half million cubic yards of earth, had been built.

The limited resources of the State prevented carrying out at the time many of his suggestions, but his messages to the general assembly are replete with wisdom and valuable advice.

The public schools especially appealed to him. His personal experience as a teacher immediately after the war enabled him to thoroughly understand their wants, and he labored for the improvement of the system.

In his message to the legislature he recommended that every cent not needed for current expenses should be appropriated for public instruction, and legislation enacted to provide for compulsory attendance at school.

He said the State should interfere as little as possible with the economy of the family, but had a right to protect itself by requiring enforced attendance. He held, however, "that the State could only give a general and partial superintendence in this matter. That the danger of popular education lay in relying exclusively on the State and National authority for aid; and that no community succeeded in educating its children until it had faced the hard fact of local taxation."

Gov. MCENERY'S administration, following as closely as it did upon the heels of the ignorance, extravagance, and corruption that marked the reconstruction period; upon the epidemics that scourged that State in 1878 and 1879, and upon the floods that wrought such havoc in 1882, 1883, and 1884, would have been notable for the repairs it made to this long and varied series of disasters if for no other reason.

But his administration was notable aside from these, for many legislative achievements and public works, and while there are numerous things for which it will be remembered, the greatest of these, it may be said, is charity.

While he was governor the State provided for the permanent maintenance of Camp Nicholls as a home for the brave men who gave their youth and manhood for her defense during the war between the States, while the Charity Hospital in New Orleans, one of the noblest and grandest institutions of its kind in all the world, was the special object of his care and attention.

As a result of his assistance, the ambulance service of that institution was established, and by the inauguration of consultation clinics, its beneficent work was extended to the out-door poor.

The impulse he gave to this great work of philanthropy, the kindly influence he exerted in promoting its usefulness, and the material assistance he rendered in enlarging it are recorded in the archives of the State and emblazoned on the walls of the institution itself so that future generations may know them.

Although not renominated at the expiration of his second or regular term, it was characteristic of him that he did not sulk in his tent.

Recognizing the necessity of Democratic success and white supremacy, he threw himself into the contest with all his old-time ardor and energy, rendering invaluable service in one of the most brilliant campaigns ever waged in Louisiana. Shortly thereafter, when a vacancy occurred on the supreme bench, he was appointed, not only as a recognition of his high service alone, but as a tribute to his high integrity and to the complete confidence of the people in him.

While he was serving in this high judicial capacity, some twenty-odd years ago, he and I were called upon to lead opposing factions in the Democratic Party as candidates for governor.

The campaign centered upon the rechartering of the Louisiana Lottery Co., an institution created during the days of reconstruction, and a heritage of the very conditions from which Capt. MCENERY had fought to relieve the State.

It is difficult for one who did not participate in that campaign to appreciate the bitterness it engendered, or the heart-burnings that remained long years after the struggle was ended.

It is no exaggeration to say that nowhere since secession was the issue, has any State been wrought up to such a high pitch of excitement as existed in Louisiana during the struggle for the recharter for the lottery company.

The issue went against his faction. I was elected governor and he resumed his duties as a member of the Supreme Court. And right here I wish to say that had he never served his people in any but a judicial capacity his fame would have been secure, for as a jurist his work was of the highest order. His natural mental gifts had been improved by careful study and he possessed the faculty of expression in a remarkable degree, so that his decisions were noted no less for their deep learning and cogent reasoning than for their clearness and perfect diction.

It was a peculiar coincidence, Mr. President, that both men who successfully opposed him in his last two contests for the governorship should afterwards be instrumental in elevating him to other high offices where they served with him.

Yet this is exactly what happened with both Gov. Nicholls and myself. After the bitter campaign of 1888, Gov. Nicholls, as I have said, in recognition of his great services and eminent abilities, appointed him to a position on the supreme bench of the State, to which illustrious body the governor went himself after his term of office.

And even as Gov. Nicholls had tendered him a place upon the supreme bench, so it was my great privilege, while serving as governor, to be instrumental in having him come to the Senate.

Both had met him in battle on the hustings for the suffrage of the people, and with good reason knew his worth as an antagonist in the field; both had known him when the bitterness of the struggle had been buried and forgotten, in the judicial chamber or here in the Senate; both became endeared to him because of his lovable personality and sterling worth of character; and, Mr. President, I am absolutely frank in saying that when he died there were no two men in the State who more deeply deplored his passing than Gen. Nicholls and myself.

The devotion in which he was held was never more clearly shown than when first elected to the Senate in 1896. The democracy was confronted with a crisis that year and he was called upon to save it.

The legislature was charged with the election of a United States Senator. After a spirited contest, it was found impossible to return the regular party candidate, owing to factional wounds, and a condition developed which threatened to deprive the party of the Senatorship. In this situation there was but one man in the State upon whom all factions could unite. That was Justice MCENERY, and it was decided to call him from the quiet shades of the judicial chambers to take up the legislative burdens here in the Senate.

In this instance, as throughout his career, he never faltered when the Democratic Party called. Owing to his views on the tariff, however, which placed him at variance with a majority of his party, he announced his desire to make his position clear to the Democratic caucus. He frankly declared that he was a protectionist, in favor of all internal improvements, with broad national views on many other questions, and that he could not change these views. He was elected with the understanding that he should be free to vote in accordance with his personal views on those questions, and these facts should not be forgotten in considering his record here.

During the consideration of the present tariff laws, his attitude was the subject of widespread comment, and of bitter criticism in certain quarters. The position he then assumed, however, was in keeping with the announcement he made to the legislative caucus when first elected, and with the stand he took on first coming to the Senate, upon the convening of the Fifty-fifth Congress, in 1897, when the Dingley law was being drafted.

Addressing the Senate early that session, he called attention to criticism just then being leveled at him for the first time since entering the field of national politics and stated that his position was by no means new to the people of Louisiana. It was substantially the same, he asserted, as he had assumed in 1884, when triumphantly elected by the people of that State to succeed himself in the high office of governor. "And when I was nominated by a Democratic caucus for this present position," he continued, meaning the senatorship, "before the vote was taken, and so that there could be no misunderstanding, I went before the caucus, although not called on, and made the same statement that I did in my inaugural address in 1884." He believed the tariff to be purely a business question, which had no place in party politics.

But while his views on the tariff were most familiar to the present generation, it is likely that he will best be known to posterity because of his attitude toward Hawaii and the Philippines.

In acquiring those islands and absorbing their uncivilized people, he feared this country was entering upon an era of turmoil and strife, and by the introduction of the McEnery resolution did all within his power to avert what he considered must prove ultimate disaster.

That resolution, adopted by the Senate in the Fifty-fifth Congress, was as follows:

Resolved, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States, but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands as will best promote the interests of the citizens of the United States and the inhabitants of the said islands.

That resolution was presented when the country was flushed with the victory of the Spanish War. The banner of Castile and Aragon had been driven from the Pacific, the ægis of this Republic had been extended over 2,000 islands of the sea, and more than 10,000,000 people suddenly found themselves beneath our flag.

He knew that it was not popular to advocate withdrawing from the Philippines, nor did he propose doing so until order was restored, acknowledgment received of our undisputed sovereignty, and provision made for coaling stations and other naval needs.

But he also knew that two races could not live in harmony and on terms of equality anywhere, not even in the Orient. His knowledge as a profound student of history, together with his bitter personal experience during the reconstruction period in the South, told him that the immutable laws of nature forbade it, and in order that those islands might not become an integral part of this country, he introduced and advocated the now famous McEnery amendment.

The adoption of this resolution was very bitterly opposed by many Senators who were against the ratification of the treaty of Paris, and it was the subject of a fierce and bitter debate in this body.

I shall not go into the merits of that debate nor discuss the differences of opinion as to the effects of this resolution, but shall content myself with stating that the deceased Senator always contended that his great purpose in introducing this resolution was to prevent the incorporation of the Filipino into the citizenship of this Republic, and to prevent a permanent annexation of the islands as an integral part of the territory of the United States.

In 1878 Senator MCENERY married Miss Elizabeth Phillips, daughter of a prominent planter of Ouachita Parish, a lady of much culture and refinement, who survived him with two

sons, Mr. Charles Phillips McEnery and Dr. Douglas W. McEnery, and one daughter, Jane, wife of Mr. W. B. Parks, all residing in New Orleans.

Senator MCENERY was one of the historic characters of his State. He was, at different times, lieutenant governor, governor, associate justice of the supreme court and United States Senator, and his promotion from one place to another in regular progression proved that he filled all the places with credit and to the advantage of his people.

He was a Louisianian in every sense of the word, devoted to the interests of his people, and with marked ability and characteristic independence sought to serve them whenever and wherever he could.

He carried with him a personality of his own. He was a courtly gentleman, a true and loyal friend, and a brave, honest, and courageous public servant. As a Senator he was universally loved and respected and in everything that he did while here, it is my honest conviction that he did it from a high sense of duty to the people whom he represented. He acted upon the principle that his first duty was to his State, and, while at times differing with his party associates, yet he always held their respect and confidence.

The late Senator was very close to the hearts of our people. They held him high in their love and esteem. The people knew him. They knew his faults and virtues, and they implicitly trusted him. They knew that he always placed their interests above personal consideration and that their welfare was uppermost in all his endeavors. This is attested by the fact that while occupying high positions in which his personal interests might have been advanced, yet he died a poor man—a splendid tribute to the honesty, integrity, and uprightness of his public and private life.

It is well known that for a number of years Senator MCENERY and I were opposed in politics. After I became associated with him in the Senate our acquaintance soon ripened into a profound friendship. I doubt if there were any two Senators from any State in the Union whose relations were more pleasant and congenial than ours.

It was a pleasure to have him as a colleague. He was always courteous, kind, and thoughtful, and never during the term of our service did we have a serious disagreement. Sometimes, it is true, we voted differently, but we each accorded the other the sincerity and honesty of conviction, and such differences never interfered in the slightest either in our personal or official relations. He was to me a friend upon whom I could absolutely rely and whose loyalty and devotion I could trust without question. Such a friend is indeed a loss.

Senator MCENERY left Washington City at the close of the last session in good health, but was taken sick on the train before reaching New Orleans and had to be carried home. He lingered for a short time, very weak, but conscious almost to the very end, and met the summons from beyond in the same brave, courageous spirit that he met all the difficulties and trials of life.

Surrounded by his wife and children, and with almost the same sweet, gentle smile that always greeted his friends and loved ones, he met the reaper, while his spirit passed beyond the river, and let us hope will rest forever in peace.

Mr. LODGE. Mr. President—

> When sorrows come, they come not single spies,
> But in battalions!

Shakespeare's melancholy and noble lines have been brought to my mind only too frequently in these last months as death has descended again and again upon the Senate. Day before yesterday I joined in the ceremonies which commemorated the life and services of my good friend Senator CLAY. To-day I rise again to speak of a distinguished man, also a friend of many years, who was so long the senior Senator from Virginia.

Senator DANIEL was to me, from the time when I first saw him here, one of the most interesting figures in the Senate and in our public life. As I came to know him well, interest deepened into real affection, and I sorrow for him not only as a loss to the Nation and to Virginia, but as a friend whose departure I shall always mourn.

When, as a Member of the House, I first saw him on the floor of the Senate I was arrested by his appearance and found a fascination in watching him. He was very striking in his looks, with a head and face which would have been remarked anywhere and in any assemblage of men. He reminded me of the portraits of the leaders of the French Revolution—the men who destroyed an ancient monarchy, reorganized France, and shook the civilized world from center to circumference. In nearly all their faces, as in his, one sees strangely commingled with the gaze of the dreamer and the visionary, that expression of intense energy which is so easily translated into action. They were very young for the most part, those leaders of the French Revolution; they did great deeds, whether for weal or woe; they conquered young and they died young. In nearly all we see that strange look which seems to belong to those who are ready to sacrifice youth and joy and life for the faith which absorbs their being.

Senator DANIEL had long passed youth, had gone beyond middle age, and yet he seemed to me still to have the expression of those who in the flush of young manhood sought the great prize of death in battle for the sake of beliefs to which their hearts clung; in pursuit of visions seen only by them. The touch of romance, the look of the dreamer, the passionate energy of the man of action, all seemed to meet in his aspect and his eyes.

With a brilliant record as a soldier, not merely eminent at the bar, but as a writer on law of high authority, after much public service in his own State and in the House of Representatives, Senator DANIEL came to this body with distinction already achieved and with a high reputation in many fields already secured. He had as a gift of nature great eloquence of speech, and this gift had not only been enlarged by care and practice, but had been made weighty and serious by the studies he had pursued and by the reflective and philosophical cast of his mind. One could easily disagree with him, but he never failed to arrest the attention or to furnish food for thought in what he said. His style was of the old school, the richer and more florid style of the first half of the nineteenth century. It has passed out of fashion now. The modern taste is for something plainer, more direct, more businesslike, because this is an age when business is regarded as of the first importance in every department of human activity. Yet the school to which Senator DANIEL belonged produced speakers who have never been surpassed in the annals of oratory. The faults, both of the period and of the school, can be easily pointed out, but the heights in the great art of speech to which some of the men of that age attained remain to-day lonely and unscaled. Senator DANIEL exhibited all the qualities of that earlier time in high degree, and it was possible to those who lent an attent ear to learn from him many lessons which would not be without great profit even at the present time. In him there was always dignity and, what is of infinitely more importance, that sincere respect, not merely for his audience, but for what he was himself doing and saying as a public man, which is so often neglected, to the great detriment of speakers and listeners alike. He had in large measure the "high seriousness" which Aristotle commends in the poet.

He did not speak on many subjects. He was not an incessant talker. But upon any topic which engaged his attention he spoke copiously and well, and never failed to show that he had thought much and independently upon the questions involved. He liked large issues, because they offered the widest opportunity for speculation as to causes and for visions of the future. This reach of mind made him an American in the largest sense and showed clearly in the note of intense patriotism which sounded so strongly in his more formal addresses.

It was always a pleasure to talk with him, for he was unfailingly suggestive and ranged widely in his thought. The grave courtesy of his manner, which never wavered, had to me a peculiar charm. I should not for a moment think of hinting even that the manners now generally in vogue are not better, but they are certainly different. Manners like those of Senator DANIEL, I suppose, would be thought to take too much time, both in acquisition and practice, among a generation which can employ its passing hours so much more usefully. Yet I can not divest myself of the feeling, an inherited superstition perhaps, that manners such as his—serious, gracious, elaborate if you please, but full of kindness and thought for others—can never really grow old or pass out of fashion.

He loved his country and he loved her history. He cherished with reverence her institutions and her traditions. It could not be otherwise, for he was a Virginian, and the history and traditions of his own State outran all the rest. Others may disregard the past or speak lightly of it, but no Virginian ever can, and Senator DANIEL was a Virginian of Virginians.

He believed, as I am sure most thoughtful men believe, that the nation or the people who cared naught for their past would themselves leave nothing for their posterity to emulate or to remember. He had a great tradition to sustain. He represented the State where the first permanent English settlement was founded. He represented the State of George Washington.

I will repeat here what I have said elsewhere, that, except in the golden age of Athens, I do not think that any community of equal size, only a few thousands in reality, has produced in an equally brief time as much ability as was produced by the Virginian planters at the period of the American Revolution. Wash-

ington and Marshall, Jefferson and Madison, Patrick Henry, the Lees and the Randolphs, Masons and Wythe—what a list it is of soldiers and statesmen, of orators and lawyers! The responsibility of representing such a past and such a tradition is as great as the honor. Senator DANIEL never forgot either the honor or the responsibility. Can more be said in his praise than that he worthily guarded the one and sustained the other!

The Civil War brought many tragedies to North and South alike. None greater, certainly, than the division of Virginia. To a State with such a history, with such memories and such traditions, there was a peculiar cruelty in such a fate. Virginia alone among the States has so suffered. Other wounds have healed. The land that was rent in twain is one again. The old enmities have grown cold; the old friendships and affections are once more warm and strong as they were at the beginning. But the wound which the war dealt to Virginia can never be healed. There and there alone the past can not be restored. One bows to the inevitable, but as a lover of my country and my country's past I have felt a deep pride in the history of Virginia, in which I, as an American, had a right to share, and I have always sorrowed that an inexorable destiny had severed that land where so many brave and shining memories were garnered up. That thought was often in my mind as I looked at Senator DANIEL in this Chamber. Not only did he fitly and highly represent the great past, with all its memories and traditions, but he also represented the tragedy, as great as the history, which had fallen upon Virginia. To the cause in which she believed she had given her all, even a part of herself, and the maimed soldier with scars which commanded the admiration of the world finely typified his great State in her sorrows and her losses as in her glories and her pride.

Mr. GALLINGER. Mr. President, the late Senator from Louisiana belonged to a type of men quite too rare in these days. He was a man of dignity, integrity, high sense of honor, and independence of thought. A Democrat in politics, he did not allow partisanship to control his speech or his votes. Once satisfied that he was right, no influence could swerve him from the path he had marked out. He belonged to the old school of southern statesmen, and he carried himself with a poise and dignity of manner that bespoke the gentleman that he was. Courteous, kind, thoughtful of others, he commanded the respect of his associates in the Senate, as well as of the people of the State which he so ably and conscientiously represented.

It was my privilege to serve with the late Senator MCENERY for 13 years. Of the same age as myself, there was much in common between us, and our friendly relations were to me a source of much pleasure. We were both members of the Committee on Naval Affairs, and in the committee room I learned to value and admire him. He was a constant attendant upon the meetings of the committee, and in the matter of appropriations for the Navy was neither reckless nor parsimonious. He believed in a well-balanced and strong Navy, and his voice and vote were in favor of adequate appropriations to build it up and sustain it. A student at the United States Naval Academy, at Annapolis, he was a warm friend of that institution, taking special pride in its development and success. Always watchful of the interests of his own State, he was broad-minded and generous toward all other sections of the country.

As I knew Senator MCENERY, he was a most charming and lovable man. Brave and self-reliant, he was at the same time tender and considerate. He never lost sight of his obligations to his fellow men and never intentionally wounded their feelings or wronged them in any way. He was a conscientious public servant, a popular citizen, and a good and true friend. He stood for what is best in life, living up to high and true ideals.

Mr. President, SAMUEL DOUGLAS MCENERY brought honor to his State in all the positions of trust and responsibility that his people conferred on him. In the Senate he illustrated the high qualities of heart and brain with which he was endowed. He had the confidence and respect of every Member on both sides of the Chamber, and the announcement of his death brought a peculiar sadness to all our hearts. We miss him from his accustomed place in this body; we miss his genial greeting and his kindly words. He has answered the summons that sooner or later will come to us all, and it will be well for us if, when the call comes, we are as well prepared for the great change as was our associate and friend in whose honor these words of eulogy are being spoken to-day. He has gone from us, but his memory will be a benediction and an inspiration to all who practice truth, who love justice, and whose life is patterned after the teachings and example of the Master. On his grave we would place a flower, and in our heart of hearts we would embalm the memory of a good man whose services to his State and his country entitle him to a place among those who have brought honor and renown to the institutions of the Republic.

Mr. ROOT. Mr. President, it is a melancholy satisfaction to add my word of tribute to the memory of Senator DANIEL. I knew of him first as the author of a painstaking, accurate, and clear work upon one of the dry and technical branches of the law. I wondered that the nature which could bring itself to the labor of preparation and exposition in such a field could also be the nature of a gallant soldier and a convincing and stirring advocate; still more that it could be the nature of an orator, with the breadth of view and the loftiness of idealism and tenderness of sympathy which made him potent to move the masses of men.

I first came to know him when the interests of the people of his State of Virginia brought him into the Department of War and into consultation with the head of the department. I do not know that in all the years of experience as head of the Department of War and then as head of the Department of State, which brought me into contact with so many of the strong and able men of our country, I have ever been more impressed, I doubt if I have been ever so much impressed, by the personality of any man as I was by the personality of Senator DANIEL. His distinguished and sincere courtesy, the grave dignity which characterized his demeanor, the simplicity, directness, and truthfulness of his utterances, the ingenuousness of his motives, were so apparent that above all the men whom I have ever known he created an atmosphere which lifted up those about him to the same high plane of his own noble purpose.

His courtesy was not mere manner. His manner was but the expression of a sensitive and noble spirit exhibiting itself through the forms of a great tradition. The sensitiveness of his sympathy impressed upon everyone who knew him the certainty that he was a pure, sincere, and noble gentleman. The kindliness and considerate character that was displayed in his action and his words furnished a guaranty of his justice, of his considerate and thoughtful regard for the rights, the feelings, and the prejudices of others. He never left the War Department or the State Department in my time that I did not feel myself a better gentleman and a better officer for having come under his influence and having been within the sphere of the atmosphere that surrounded him for even the few minutes of our interviews.

Ah, sir, that was the nature that breathes the very soul of patriotism and love of country. Brave soldier as he was, earnest advocate as he was, indomitable in every enterprise to which he set his hand, fearless as against all opposition or attack, he had that essential regard for the rights, the feelings, the prejudices of all his countrymen which makes it possible for the people of a free, self-governed country to live together in peace and harmony, and to love their country and their countrymen.

He was the product of those centuries during which the formative power developing the people of the United States proceeded from a race of men whose characters were affected by the calmness and serenity of rural life. The landholders of North and South, of New England and the Middle States, of Virginia and Georgia and the Carolinas, the people of all our States who, with their fathers, had owned their own land, had acknowledged—had known no superior, socially or politically, coming to manhood in self-respecting independence, with unhurried development of character, not feverish or hysterical, but reflective, calm, strong, considerate. These were the men who made the earlier history of our country, and from them came Senator DANIEL. A new life is urging forward the movements of our people. The rush, the haste, the tumult, the unthinking excitement of the struggle for wealth are displacing the old calmness and reflective training.

But, sir, the influence of which Senator DANIEL was a perhaps belated representative must remain if the great country which he served so well is to continue. Self-respect and respect for others, courtesy, consideration, sympathy, justice, all the qualities of the older time must be found among the people who govern themselves or their self-government will degenerate into the wild scramble that means strife, discord, conflict, and disintegration.

That Virginia has honored and does honor this gentleman of the old time, that this Senate loved him, that our country remembers him with grateful appreciation for what he was, all argue well for the soundness, the wholesomeness, the genuine spirit of patriotism that will preserve all that he represented. Long may it be before the life and the influence of that noble

race of men of whom he was so distinguished an example is forgotten in the councils of our Government or in the action of our people.

Mr. FLETCHER. Mr. President, Alexander, son of Philip of Macedon, became captain general of Greece, repelled the Persian invasion, captured the East, mourned that there were no more worlds to conquer, and died at the age of 32. The times were different from ours. There have been few Alexanders and no such conditions since.

Seventy-three years seems rather a generous allowance for the life of an individual, but for one capable of great service at a time when there is so much needed to be done, it appears but a short time. To obtain an education to fit one for a noble profession itself requires quite a few of those years. To become established in that profession and make a reputation for high proficiency requires time. To have such a career interrupted by active service in the field during a terrible war would consume quite a few years at a critical period in such a life. The governmental affairs of a great State, such as must be understood by the chief executive, are sufficiently important and exacting to occupy the best years of one's life. The position of associate justice of the supreme court of that State, with the onerous duties imposed in that high judicial capacity, might well amplify such a career and crown such a life.

Faithful and satisfactory service in these exalted positions would seem about all that could be well crowded into the life of one individual.

It must have been extraordinary qualifications for the widest fields of general public usefulness that moved SAMUEL DOUGLAS MCENERY on to the national forum and caused him to be chosen by his people a Senator of the United States from the State of Louisiana in 1896, again in 1902, and again in 1908.

Rarely, I think, can it be found that so much has been accomplished in the years allotted to him. Seldom have such responsibilities been heaped on one man's shoulders. It required unusual capacity and ability of a high and varied character to successfully meet the obligations, discharge the duties, and perform the services which pressed upon our friend. That he squarely faced and completely mastered the difficulties of every situation; that he possessed a keen sense and correct conception of fiduciary responsibility, which he carried into practice; that he diligently and faithfully performed what was undertaken is demonstrated by the continued confidence of his people, which amounted to genuine affection and absolute trust.

His early and extensive mental training; the discipline and hardship of active army service; the stirring times, arousing every patriotic impulse and calling out the resources of his strong, intellectual, and moral nature, which he experienced in the days of young manhood, combined to equip him for the highest official station. Born at Monroe, La., May 28, 1837; educated at Spring Hill College and the University of Virginia; a lieutenant in the Confederate Army; engaging in the practicing of law; we find him governor of Louisiana when he was 44 years of age. At 51 he was associate justice of the supreme court of his State, and while occupying that position he was elected United States Senator.

On all matters with which he had to deal he consulted his own judgment and conscience, earnestly and seriously. Not that he was inconsiderate of others, or heedless of their opinions, or not respectful of the views of his fellows, but his final action had to square with his reason and his conscience. He was in every sense and in every relation and at all times a man as brave and self-reliant as ever stood in line of battle or conquered in the fiercer struggles of peace.

My last conversation with him was in the cloakroom just before the adjournment of the session June 25, 1910, and he did not complain of being ill, but seemed in his usual health, although somewhat wearied by the long session. He left Washington that night for his home and died in New Orleans soon after arriving there June 28, 1910.

Louisiana has lost an ideal citizen, a most faithful and efficient public officer, and the whole country shares in that loss. It saddens one to see such men of the old school pass away. While in the main I believe the world is growing better and progress is being made and development taking place, and men and things becoming more complete, perhaps more perfect, still there were some qualities peculiar to the times and lives of a generation ago which have been diluted rather than strengthened by the commercialism of the present. For instance, the polite and chivalrous manners, the deference and devotion to woman, the value of one's word, indicated by the saying, "his word is his bond," and the absence of hypocrisy.

We would do well, in the rush of things these days and in the evolution taking place in other directions, not to lose sight of these sturdy and beautiful traits of character.

I venture to say that the man can not be found who can truthfully assert that SAMUEL D. MCENERY ever deceived him or failed to do precisely what he agreed to do.

Courteous in his bearing and kind and considerate in his disposition, he was likewise perfectly open and frank and always sincere.

He never shirked a duty or evaded a responsibility. He did what he considered to be right and had no apologies to make or explanations to offer. He illustrated the ancient Greek teaching—"to be rather than to seem" and "to do rather than to idle."

Like Henry Clay he could say, "I have no commiseration for princes. My sympathies are reserved for the great mass of mankind." And like the great commoner, I imagine he felt "it is the doctrine of thrones that man is too ignorant to govern himself." He loved his State and people with a devotion rarely equaled, and he desired to see them prosper. He felt a just pride in the Nation and strove to promote the welfare of all. His work is written in the history of his State and country.

As governor, he expressed in his message to the legislature his deep concern regarding the industrial growth of Louisiana and the development of her resources, saying "We must realize the fact that she is rich and force her to the front rank of States." He directed the way of her progress by urging legislation regarding assessments and taxation, finances, and improvement of the levees, and arousing interest in education. On the latter subject his message to the legislature took high ground to the effect that "the people of this State are prepared to approve any legislation that will secure an effective system of free elementary instruction."

Embalmed in sheep, to be preserved for all time, are his decisions rendered in the highest court of his State. As chief executive, his name and the result of his labors will be handed down to succeeding generations. As a Member of this body, he wrought and placed on the permanent records illustrations of his statesmanship and patriotism. So he is not to be forgotten, and reference to his life and work will evoke appreciation of his great ability and his exalted character.

At Kamakura, once the capital of eastern Japan, which boasted a population of more than a million in the days of its glory, the colossal statue of the great Buddha, all but 50 feet in height, stands near the sea. The casting was begun in 1252. Twice has the temple which inclosed it been swept away by a great tidal wave, the last time in 1494. But the great bronze figure still remains

A statue solid set,
And molded in colossal calm.

As a soldier in the Confederate Army under Magruder, as a lawyer, as governor, as judge, as United States Senator, SAMUEL D. MCENERY has built a monument more lasting than this—one gratifying to the aspiring soul.

He has passed beyond our vision. It is a comforting thought that—

There is no end to the sky,
And the stars are everywhere,
And time is eternity,
And here is over there.

Mr. PERKINS. Mr. President—

Friend after friend departs;
Who hath not lost a friend?
There is no union here of hearts
That finds not here an end.

Mr. President, Senator DANIEL'S death removed a very useful, a very prominent, and a very public-spirited Member of this Chamber and the State of Virginia a very distinguished and well-beloved son.

The warmth of feeling with which he was regarded by his fellow citizens was an index of his attitude toward them during his entire life, and the sincere grief manifested at his death by the Members of the Senate indicates in some measure the feeling which he inspired in the hearts of his colleagues.

In every period of his career Senator DANIEL exhibited that earnestness, unselfishness, and devotion to what he believed to be his highest duty which wins the admiration and respect of all earnest and thoughtful people.

During the Civil War his energy and talents were exerted to the utmost in the cause which called him into the field. The wounds he received bore witness to his bravery, and the high rank which he attained is evidence of his soldierly qualities and military ability.

After the peace his devotion to his people caused him to enter public life, where he demonstrated his unusual qualifications for public affairs and earned the respect and affection of the people of his State.

As a lawyer he had achieved a very high rank, and in certain branches of the law became an authority.

In Congress he developed to the full all those powers of application and persuasion which enable a legislator to get at the truth of any subject and to convince those who are to deal with it, and in work of this kind his absolute sincerity and anxiety for that only which is for the public good made him a power in the counsels of both the House and the Senate.

In all that he did as a member of the Virginia Legislature and as a Member of the Congress of the United States he strove earnestly and constantly to throw the cloak of oblivion over the dark past and to make it plain to all that we are citizens of an undivided country, to which is due absolute loyalty and that love which all should have for the most precious of earthly possessions.

God grant—

He once said—

that the departed era may return no more to our country.
It is the marvel of the world—

He again said—

that so far our unprecedented and unmatched Constitution has availed to preserve our inheritance and to keep alive here the hope and faith that the future may prove worthy of the past.
A greater people have never yet appeared upon this globe than the Americans, and it must solemnize any just mind to realize the responsibility which comes to it with the injunction to take heed that no ill befall the Republic.

The loyalty of Senator DANIEL to his country was equaled by his loyalty to his State. He was a true Virginian, believing in the grand old Commonwealth with all the strength of his generous nature and in its people with all the warmth of a great heart. Whatever was for the advantage of the Old Dominion, that he advocated and worked for with all the energy he possessed.

Without the enthusiasm which he brought to bear in the effort to secure the Jamestown Exposition, it is very doubtful whether it would have received the sanction of Congress. I know that many votes for it were secured purely through his eloquent advocacy and personal magnetism. He entered upon the contest as though the question were one of vital importance to his State, and he brought to bear all the dash and enthusiasm which characterized him on many a hard-fought battlefield in his youth. He won a victory for his people, for to him there was no such thing as defeat in such a cause.

For individual Virginians, as well as for the State as a whole, Senator DANIEL held himself ready to work for any good and worthy purpose, and it was through his efforts that much has been accomplished in the way of development and the promotion of prosperity.

As he said of the late Senator Hoar, so may we now say of him:

No man ever said or thought of him that he was the servant of personal ambition or of private ends. There are many things in heaven and in earth that can not be seen by our eyes or heard by our ears or touched by our hands or which are within the pale of our sense; more, indeed, "than are dreamed of in your philosophy."
Hence many a noble aim may miss its mark however clear be the eye that discerns, however firm the will that directs, however true be the hand that obeys.
It is only possible to the human to be right in mind and conscience and to be sincere in heart.
So felt the prophet when he said: "Keep thy heart with all diligence, for out of it are the issues of life."

So did Senator DANIEL keep his heart.

He aimed his arrow at wrong wherever he thought he found it.
He lifted his shield over the right wherever he thought the right needed reenforcement.
It is only in such performance of duty that true glory may be found.

No one who knew Senator DANIEL could fail to be struck with the evidences of his wide reading and profound reflection. He was a scholar by instinct, habit, and training. Whenever he arose to speak he was listened to with pleasure and instruction, for he gave the results of long and careful study, enriched by gleanings from the domain of literature.

His was the eloquence which we find in the older school of statesmen, who strive to clothe their thoughts in the rich language of the great masters when felicity of expression was sought for as the proper setting for exalted ideas. His discourse in private had the same characteristics and formed one of his charms in social life.

I, as well as the rest of his colleagues, was warmly attached to him by reason of his genial companionship, which had the full flavor of that southern generosity and open-heartedness which have made the hospitality of the South proverbial throughout our land.

In my intercourse with him in the Senate on the Committees on Appropriations and Coast Defenses, of which we were both members, and in purely social life I found him steadfast to those high ideals which he had early set up for his guidance, and which had caused him to set a striking example to his fellow citizens in war and in peace.

His wide sympathies took in all classes of people and all parts of our great country, and he was ever on the alert to study conditions new to him and to gather therefrom ideas that might be made of benefit to all.

I shall never forget the interest he took in our great Pacific coast, when, as my guest in California, he had an opportunity to see the land over which the stories of the Argonauts has thrown an atmosphere of romance. He found there much to remind him of his own loved native State, and in the free, generous life of our people he felt himself back among the beautiful Virginia mountains and valleys.

We may say of Senator DANIEL as he once said in a eulogy of a former colleague:

He was typical of his State, of his section, and of his party, and he was distinctively a Representative in all he stood for.
Most of the great problems that engaged his thought and effort have found their solution through the processes of time, and new sails are now seen on the horizon before us.
As we seek to measure justly the men of the past we do not carry into our judgments the partisan feelings which inflamed them or their combatants in hours of conflict, for it is the happy faculty of a wholesome nature to take men according to the circumstances which environed them and according to the manner in which they dealt with their own obligations and duty.
Abraham Lincoln said on one occasion that he must confess that events had controlled him far more than he had controlled events; and if one who was at the head of such mighty power as he wielded could feel so sensitively how little any one man can do in the great movements of the human race, how much more must it be felt by those who play but minor parts in the drama that is in their time upon the stage.

And again:

The stroke that removes one who has long interwoven his life in the work of a great public body, who has bound himself in associations of friendship and cooperative tasks with his companions, who has become a part of the business of many constituents, who has stood forth as the representative of a great State, and as the champion of ideas, and, indeed, has translated his being into law and doctrine—such a stroke suddenly snaps many ties and dissolves many vistas of pleasant and instructive contemplation.
It must be to many, and it seems to all, as if a landmark of memory and hope and faith and affection had suddenly crumbled to the dust.
If we lift our gaze from the tomb of a single one who has departed to survey the scene of desolation which a few years make in the ranks of a body like this, we are well-nigh appalled to realize how swiftly and surely death consummates its work of change and dissolution.

In the words he used in acknowledging the worth of a former Member of this body, I may say concerning Senator DANIEL that not only California, "the younger sister of Virginia," not only the old 13 States that founded our fabric of Government, but all of the 45 American Commonwealths that to-day constitute the Republic, say this of him, who so nobly applied it to another:

He was faithful to truth as he saw it; to duty as he understood it; to constitutional liberty as he conceived it.
Man sees all things die around him. The bud and the blossom die.
The leaf and the tree die.
The birds of the air and the fishes of the sea, the creatures of the forest and the field and the desert; alike, they die.
Man, in this respect, is like them, and we see and feel and know within ourselves, as did our dying brother, that of a truth we die daily.
The days die and the nights die.
The weeks and the months and the years and the centuries and the seasons die.
Time itself, even as we call its name and with our every breath, dies away from us.
An eternity without beginning lies behind us—dead.

A faith so beautifully expressed can not fail to be a comfort and an inspiration to those who knew his kindly character. When all that was mortal of Senator DANIEL was deposited in that last peaceful resting place, amidst the pines of his native State, how cheering is the thought that he believed it to be but the narrow entry to a greater, nobler life—eternal in the heavens?

How well could our dear friend say in Tennyson's incomparable verse:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar
When I put out to sea.

* * * * * * *

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell
When I embark;
For though from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face,
When I have crossed the bar.

Mr. SMOOT. Mr. President, we are to-day reminded that almost half a score of our colaborers, who so recently were in our midst, have passed to that—

Thrice happy world, where gilded toys
No more disturb our thoughts, no more pollute our joys!
There light and shade succeed no more by turns,
There reigns th' eternal sun with an unclouded ray,
There all is calm as night, yet all immortal day,
And truth forever shines, and love forever burns.

The death of SAMUEL DOUGLAS MCENERY, at his home in New Orleans, on Tuesday, June 28, 1910, was a great shock to his colleagues in this body, yet it was not altogether unexpected. It had been evident for months that his health was failing him, although he was found always at work faithfully serving his State and his country. He engaged in the deliberations of the Senate up to the very day of adjournment, and then returned home to enter into immortal sleep.

A native of Louisiana, educated at the United States Naval Academy and the University of Virginia, a graduate from the State and National Law School at Poughkeepsie, N. Y., Senator MCENERY obtained a technical mental training which well fitted him for the great problems which in later life pressed upon him for solution. When the Civil War broke out young MCENERY had just reached his majority. He enlisted in the Confederate Army, serving through the war with marked distinction.

For more than 30 years Senator MCENERY had been a leader in the political affairs of his State and Nation. Through his devotion to duty, his unflinching integrity, and his extraordinary ability, he has been honored with the high offices of lieutenant governor of Louisiana, governor of Louisiana, associate justice of the supreme court of Louisiana, and three times elected to the United States Senate.

Few men in public life have ever exhibited such independence of thought and action and shown such indomitable will to succeed as has Senator MCENERY. These characteristics accompanied him through life. His attitude on various questions at different times under consideration in this body has been the comment of his countrymen throughout the United States; but he was ever true to his convictions and never hesitated to voice them either by word or by action regardless of critisism or public opinion. It was his frankness and honesty that won for him the profound respect and admiration of everyone. He defined his position on any subject with freedom, and remained true to it. He was not offensive in urging his views upon others, but fought with undaunted zeal to gain his point.

It is fitting and proper on this occasion that we give expression to the virtues of those who depart this life and to turn our thoughts to the life beyond. It would seem cruel, indeed, if the knowledge and the intelligence and the good works acquired and accomplished in this world of action should pass away forever like a puff of wind. There must be something after all in the great realms above which to the human mind is too glorious to comprehend. It is a very happy thought to contemplate the eternal life and progression of the spirit of mortal man. It is consoling in death to have a vivid realization of a continuation hereafter of association and friendship with those whom we so honor and love. Such thoughts and such hopes urge us on to nobler deeds and higher ideals.

In Senator MCENERY we recognize the student, the lawyer, the soldier, the constructive State builder, the jurist, and the statesman. A stalwart for the right as he conceived it, devoted and true to his commissions, fearless and courageous, he won the esteem and confidence of everyone with whom he came in contact.

Senator MCENERY's life was ripe in usefulness. He approached the grave—

> Sustained and soothed
> By an unfaltering trust,
> Like one that wraps the drapery of his couch
> About him and lies down to pleasant dreams.

His more than three score years and ten were well spent, and to him might justly be applied the plaudit:

> Well done, thou good and faithful servant; enter into thy rest.

Mr. SIMMONS. Mr. President, Virginia has greatly enriched our country by her successive contributions to the eminent men who have adorned public life. In his address in commemoration of the landing at Jamestown, President Tyler mentions that there came to Virginia in her early days many representatives of that landed gentry whose capacity and worth had elevated England to her glorious position among the nations. Their American descendants were not unworthy of their lineage. Many scions of this persistent stock have budded in Virginia soil and blossomed into perfect manhood, and in every generation Virginia thought and Virginia life have been ennobled by men cast in a superior mold, who compel our admiration and lead us, while wondering at their talents, to seek to emulate their virtues.

Although but three centuries have as yet elapsed, in the long roll of eminent Virginians we can find examples of public worth that vie with the most famous characters of storied Greece and imperial Rome.

It was the fortune of our lamented friend, JOHN WARWICK DANIEL, to have brought the list of these illustrious Virginians down into our own times. He entered public life as the elder statesmen of the Old Dominion were passing away, but the names of Tyler, Stuart, Hunter, Wise, Baldwin, Conrad, Randolph, Seddon, and other distinguished actors in public affairs were still lingering on the tongues of men when he came to his work in this high forum. He was, like them, bred in the atmosphere of the ancient dominion, and feeling the pulsations of the former time. He was nourished in his youth amid the influences of the old régime, and like some vigorous giant of the forest he threw out his roots deep down into the soil of Virginia, and in every fiber he was the product of that Commonwealth of high thought and great action which have won for her the proud title of mother of statesmen. But each generation has its vicissitudes that exert a distinctive influence in the formative period of character. Like the earlier statesmen following the close of the Revolution, DANIEL had passed through the fiery ordeal of war. Thus it happened that his manhood had been perfected in his youth, and his military experiences had strengthened his resolution and had imbued him with unusual fortitude. So often had he been in imminent peril, so often had he looked with composure as death made havoc on either side and companions fell about him, that his very nature became permeated by a heroic disregard of all considerations save alone the strict performance of personal duty.

Thrice wounded, he suffered painfully, and although he survived, the old wounds of the battle field finally hastened him to the grave.

Trained as a lawyer in association with his estimable father, Judge Daniel, he knew none of the arts of shrewd pettifoggers, but built on the bedrock of comprehensive jurisprudence. Thus, not unnaturally, he became an author, and his work on Negotiable Instruments at once attests his industry, his juridical learning, and his legal acumen. Immediately this valuable compendium of the law was received by the courts as authority, and had his life then ceased his monument was already erected.

But Virginia realized his worth, and the most coveted honors his people could bestow freely awaited him.

In 1887, transferred from the House of Representatives to this body, he entered on a career, honorable not alone to himself but to the great State whose political traditions he so admirably maintained.

Well equipped, familiar with public questions, with a mind trained by exacting study, and richly endowed with logical powers, he was at once accorded an enviable position among the distinguished Senators of that period.

His particular associates—those southern Senators with whom naturally he became most intimate—had, like himself, been actors in the struggle between the sections, and, animated by a large patriotism, were ardently seeking to reestablish fraternal relation among the people of the Union, while zealously laboring to promote the happiness and prosperity of the Southern States.

There were the mighty Vance and the wise Ransom; the noble Hampton and the accomplished Butler; the brilliant Gordon and still more brilliant Hill; Pugh and Morgan; Walthall and George; Gibson and Eustis; Bate and Isham G. Harris; Beck and Blackburn; Vest and Cockrell; Kenna and Faulkner; Reagan and Berry—a galaxy of representative southerners, uniting shining talents with rare excellence of personal character. In their midst the accomplished Senator from Virginia found his appropriate place, and with them he illustrated in this forum those sterling virtues that have long been ascribed to the most distinguished of our southern statesmen.

Four times was he elected a Senator, and the years of his service here covered a period of remarkable interest in the annals of our country. It was while he was giving voice to Virginia's patriotism in this Hall that Fitzhugh Lee and Wheeler, once Confederates, were leading to glorious victory the boys in blue on foreign soil, and the embers of the long war were finally and forever extinguished.

Momentous measures constantly arose to claim the attention of the statesmen of that period, and Mr. DANIEL'S positions were always comprehensive, liberal, and patriotic. He was not merely a representative of Virginia, but a Senator of the United States, his great heart beating in unison with the mighty pulsations of the entire Nation.

His fame extended throughout the confines of the Union, and his name became a household word at the South, and especially in the homes of the people of North Carolina. Close to Virginia, North Carolina watched with pleasure and with pride the brilliant career of this illustrious son of the Old Dominion

and cherished for him a personal attachment and a particular regard.

The people of that State were ever in sympathy with his positions on public affairs and fully recognized his sterling worth and eminent services.

But as splendid as was his performance in this forum, his chief triumph came to him outside of these walls.

When the Nation's memorial to the immortal Washington was finished and an orator was to pronounce the eulogium on the great Virginian, DANIEL was selected as the fittest American of his generation to embody the sentiments of his countrymen in harmonious language.

As an orator he was superb, and on that memorable occasion his surpassing eloquence received the plaudits of the continent. Indeed, as distinguished as he was as a thinker, a man of learning and as a statesman, it was as an orator of superlative powers that he won his highest title to fame. He possessed the creative faculty in extraordinary measure; and, indeed, it might well have been of him that Gladstone wrote:

> He has a delicate insight into beauty, a refined perception of harmony, a faculty of suggestion, an eye both in the physical and moral world for motion, light, and color; a sympathetic and close observer of nature, a dominance of constructive faculties, and that rare gift—the thorough mastery and loving use of his native tongue.

And how well does this further quotation describe the style of his finished addresses:

> It is paramount in the union of ease of movement with perspicuity of matter, of both with real splendor, and of all with immense rapidity and striking force. From any other pen such masses of ornament would be tawdry, with him they are only rich. Like Pascal, he makes the heaviest subject light; like Burke, he embellishes the barrenest. When he walks over arid plains the springs of milk and honey seem to rise beneath his tread. The repast he serves is always sumptuous, but it seems to create an appetite proportionate to its abundance.

As Senator DANIEL's distinction was founded on eminent merit he wore his honors with graceful ease, and with his varied accomplishments there were united a generosity and an urbanity of carriage that rendered him an agreeable companion.

He was cordial, genial, bright, always full of hope, looking to the future with confidence as if it ever presented to his view the rainbow of promise.

With such a social bearing, intercourse with him easily ripened into affectionate regard; and not merely was he admired and esteemed, but there was a gentler touch that drew his friends close bound to him.

So that when at length he was detained from his accustomed place in this hall and when the sufferings of the last days came there was a genuine sympathy felt here that penetrated every heart. In that protracted struggle, hovering between life and death, he bore himself manfully. There was no falling away.

His resolution never quailed. His spirit was firm to the end. Undaunted he saw that dread vision, which in strength and health seems so remote, draw nearer and nearer, and without a vain regret he entered on the experiences of the world beyond. Recalling his fortitude in that dark hour, may not we, his associates, hold the conviction that not merely was he sustained by the assurances of that Christian faith whose precepts he observed, but that boldly and without fear or misgiving he essayed the passage to the bosom of the illimitable ocean of the mysterious future well buttressed and buoyed by the confident hope expressed by the poet:

> And though from out our bourne of time and place
> The flood may bear me far,
> I hope to see my Pilot face to face,
> When I have crossed the bar.

Mr. SWANSON. Mr. President, it is with profound misgivings that I undertake to make a fitting tribute to the character, the worth, the achievements, and the genius of the illustrious lawyer, orator, statesman, and soldier in whose memory these memorial exercises are held. I realize that I can but feebly express the great sorrow entertained by the people of Virginia at his untimely death, and their deep love and admiration, mingled with a profound reverence, for his splendid virtues, his varied and brilliant achievements. Of all the eminent public men who have adorned and illumined the history of Virginia none of them ever had a longer career of success and approval; none ever retained more continuously the abiding and abounding love of her people. He was so entrenched in the confidence and affection of the people of Virginia that no faction dared to assail him, no demands of partisan politics could induce even the most reckless and unscrupulous to attack him. For more than a decade the clouds and storms of party and political strife have been unable to reach the lofty heights to which the esteem and the love of the Virginia people lifted him.

In Virginia he stood preeminent; above all others, surrounded with a halo of universal love, admiration, and reverence. He had worthily won this rare, peculiar place and this high distinction from his native State. No Virginian who ever lived had heart stirred with a purer patriotism or thrilled with a deeper love for Virginia than Senator DANIEL.

From early manhood to the hour of his death, in peace, in war, in the dark hours of her gloom and defeat, this devoted son of Virginia firmly, faithfully, and fearlessly served her. Virginia's honor was his honor; her wrongs were his wrongs; her failures his failures; her success was his success. In his deep, passionate nature flamed an eternal love for his State.

Senator DANIEL was the very highest type of a Virginian; a name synonymous with the most attractive and most splendid qualities of human character. Sunshine scintillated from every lineament of his pleasing face; geniality radiated from his warm, generous heart; a rare knightly courtesy characterized his manly deportment. To women he ever extended a deference and reverence, bespeaking innate refinement and purity. A devoted husband and father, a kindly neighbor, a loyal friend, he possessed in a marked degree those sterling Anglo-Saxon home virtues which have constituted the foundation of its greatness and has made it the world's conquering race. When interested his conversational powers, whether on light or weighty matters, were unexcelled. His deference to and consideration for others were noted and at once won the hearts of those with whom he was brought in contact. No person whom I have ever seen surpassed him in pleasing personality or possessed in a superior degree every indication of distinction. His Roman face and features of rare and unexcelled beauty ever radiated with luminous thought and gleamed with the sunlight of genius. These attractive personal traits were adornments that gave charm to a strong manly nature. He was a man of tireless energy, strong convictions, superb moral and physical courage. No misfortune could bring despair to his brave and stout heart. No personal sorrow, no great disappointment could retard his dauntless spirit in its effort for achievement. Though born and reared amid all the surroundings of wealth and luxury, yet when the misfortunes of Civil War swept all of these away, manfully, cheerfully, he accepted the changed conditions of poverty and hardship and struggled to earn a competence for himself and others, and with no assistance but what came to him from a brave heart and a great mind, he attained the fame and the prominence which afterwards came to him.

Though defeated twice in his efforts to be governor of Virginia and twice in his efforts to become a Member of the House of Representatives, yet he did not despair, and by his conduct and magnificent bearing in the hours of defeat proved himself worthy of success, acquired the confidence of the people and captivated their effections until he obtained every honor and distinction that Virginia could bestow and was elected for five terms as a Member of this honorable body. Thus, alike in defeat and in victory, he displayed his preeminence and greatness.

Senator DANIEL was a man of positive convictions, and without a shadow of turning adhered firmly and steadily to his party's tenets. For more than 30 years he was one of the ablest and most eloquent defenders of Democratic principles in this Nation. On the hustings, in the press, in the legislative halls of State and Nation he was the bold, brave champion of Democracy—one of its acknowledged and most beloved leaders. In his early life, when rejected repeatedly by the Democratic Party, he manfully acquiesced, never sulked or swerved from party fealty. He proved himself too good and too great a man to desert his people because they failed to crown him king.

Senator DANIEL was a man of absolute scrupulous honesty. A great orator has well said:

> Honesty is the oak around which all other virtues cling, without that they fall and groveling die in weeds and dust.

The paths of his public life were crowded with vast power, responsibility, and opportunity, yet no stain ever followed his footsteps. His pure clean hands were never soiled by the betrayal of public or private trust.

Senator DANIEL was a man of unflinching courage and intrepid spirit. When the war between the States commenced he was a youth of 19 years; yet so ardent was his patriotism, so brave his heart, so resolute his will that he at once volunteered and was commissioned as a second lieutenant in the Twenty-seventh Virginia Regiment, a part of the Stonewall Brigade. Nothing can be more heroic, no picture more striking than that of this beardless youth charging with the Twenty-seventh Virginia Regiment at the Battle of First Manassas, and aiding in winning that great victory which made the name of Stonewall Jackson immortal. I shall ever remember the vivid descriptions I have heard him give of his experiences in this terrific battle—his first baptism in blood and

war. His gallantry, his courage, his aptitude for war soon won him distinction and secured for him rapid promotion; he became major and chief of staff for Gen. Jubal A. Early. He displayed special skill and gallantry as a staff officer at Boonesboro and at Sharpsburg, the fiercest and bloodiest battle of the war. He also rendered conspicuous service as chief of Gen. Early's staff in Gen. Lee's second invasion of Maryland, which culminated in the Battle of Gettysburg.

During his three years of continuous service in the Confederate Army he participated in the campaigns of the Army of Northern Virginia, shared all of its privations and dangers, fought gallantly in its fierce and stubborn battles, winning daily new honors for devotion to duty, for courage and gallantry. During the service he received four wounds, the last one being of a serious and dangerous nature, which made him a cripple and a sufferer from unremitting pain until his death. On the 6th of May, 1864, during the battle of the Wilderness, recognizing that an emergency existed and believing that the troops needed a mounted officer to lead them on a difficult and perilous charge, though it was not his duty, he volunteered, and was gallantly leading the Thirty-third Regiment of the old Stonewall Brigade when he was dangerously wounded, his thigh being shattered by the bullets of the enemy. Thus this hero fell wounded while his comrades marched on to victory inspired by his gallantry and genius. This wound rendered him useless for active service in the field. But for this wound there is every reason to believe that on account of his high reputation, his splendid record, his gallantry and genius for war, he would very soon have been promoted to brigadier general, possible the youngest in the Confederate Army.

Thus, while a mere youth, he displayed in a striking degree those qualities of energy, quickness of conception and action, courage, willing endurance of toil and privation, which make a great soldier. His record in the Army, his writings and discussions upon military questions, indicate that with further opportunity he would have attained great success and distinction as a most capable soldier.

Mr. President, the great reputation which he acquired in youth as a soldier was but a prelude to the greater eminence which afterwards came to him as a lawyer, orator, and statesman. In each of these three great departments of human endeavor he labored successfully and acquired great fame. In the great profession of law, which requires for success discriminating judgment, acute intellect, clear and logical reasoning, he early became one of the most successful and foremost members of the bar of his native State, noted for its able and eminent lawyers. In many new and perplexing legal problems presented for decision by the courts occasioned by the Civil War and the many social and financial upheavals incident thereto, he was counsel, and by his legal learning and clear reasoning fixed the law governing these cases and conditions. His many briefs and arguments presented to the court of appeals of his native State on new and important legal questions of this character would alone constitute a successful life-work of a lawyer.

Whether addressing court or jury, no one could surpass him as an advocate, no one present a case more strongly and clearly. No one could work more incessantly and without producing fatigue of mind or body. During his whole life, when occasion required it, he was the very incarnation of tireless work and energy. One has but to read the reports of the supreme court of appeals of Virginia during the years of his early life, when he was in active practice, to obtain evidence of his greatness as a lawyer and of the immense and successful practice he possessed.

What is still more remarkable, while actively engaged in prosecuting the profession of law, with a large and lucrative practice, his spare moments were utilized in the preparation of two law textbooks, "Daniel on Attachments" and "Daniel on Negotiable Instruments." His latter work, "Daniel on Negotiable Instruments," is the best, most complete, and the recognized authority on this question, not only in the United States but also in the English-speaking world. It is conceded that Daniel on Negotiable Instruments, Cooley on Constitutional Limitations, and Benjamin on Sales are the three great law textbooks of our generation. It is amazing that a young man, actively engaged in the practice of law, with an immense practice, engaged at the same time in the turmoil and strife of political life, could have found leisure to prepare such a textbook on such an intricate subject of law, containing an immense amount of research and a rare combination of detail and generalization, with such clearness of expression and breadth of conception as to make it an acknowledged authority, and so successful that it has gone through repeated editions. It furnishes proof of the breadth of his intellect and the brilliance of his varied attainments. His legal acquirements were such that he would have adorned, with his intellect and learning, the Supreme Court of the United States.

Mr. President, a great lawyer is naturally a successful and constructive statesman. The history of the legislation of the world exemplifies this. Thus it should occasion no surprise that Senator DANIEL'S eminence as a lawyer was equally signalized in his work as a legislator. In his native State he served in the house of delegates from 1869 to 1871, and in the State senate from 1875 to 1881, and also in the recent constitutional convention, which prepared the present State constitution. He was easily the leader in each of these legislative bodies during the time he served. Many of the best and most important institutions, many of the wisest and most far-reaching laws of the State are the results of his constructive handiwork.

He was one of the pioneers and foremost advocates of the establishment of free schools in Virginia, with all of their resultant blessings and benefits. He was the author of the law in Virginia giving the employees of transportation companies the first lien upon the property of the companies for their wages and also the law permitting the personal representative of a decedent to recover damages for the death of the intestant, when occasioned by the wrongful act of a corporation. He was the originator and the promoter of the measure giving the counties, cities, and towns of the Commonwealth power to tax the railroads within their borders, which measure alone has been the source of inestimable benefit and progress to the State. In the last State constitutional convention he was the author of the suffrage provision, which was finally adopted as a part of the constitution of Virginia, and thus he successfully solved the most difficult and perplexing problem that confronted the convention.

Time will not permit me to enumerate the many beneficent laws which his mind conceived, his hand wrote, and he enacted for the betterment of the people of Virginia. Suffice it to say that though his services in the legislative halls of his State were limited, yet Virginia can point to no son whose achievements in State legislation can exceed his.

He served two years in the House of Representatives and 23 years as Senator in this honorable body. From the day of his entrance here to his death he occupied a most prominent position in the deliberations of this body. For years he was one of the most influential members of the Committee on Foreign Relations of the Senate and counseled and controlled as much as anyone our relations with foreign nations. He was an active and distinguished member of the great Appropriations and Finance Committees of the Senate, and thus potential in all matters affecting the appropriations and revenues of the Government. His many able and eloquent speeches upon constitutional questions, control and regulation of railways, restraint of trusts and combinations of capital, currency and banking, tariff taxes, other various questions of taxation, and many other subjects, clearly indicate the extensive scope of his research, intellect, and ability. Upon all the important questions that came before the Senate during his service, in just conception, in thorough study, in full realization of the important and far-reaching bearings, he was excelled by none.

By his services in the Senate he acquired a national reputation for statesmanship, ability, courage of convictions, and soundness of judgment. The esteem and admiration entertained for him were co-extensive with our National Government. If he had lived in some other section of this country besides the South many years ago he would have been nominated on the Democratic ticket for the Presidency, with splendid chances of success. He possessed those qualities of mind, heart, and will which would have made a great President—fit company for the illustrious Virginians who had so well filled this high and exalted position. At the Chicago convention in 1896, so profound and extensive was the esteem and admiration of the Democratic Party for him that he could easily have had the nomination for Vice President if he would have accepted it. He unselfishly waved this honor aside for what he believed was to the best interest of his party.

In all that constitutes true, broad statesmanship Senator DANIEL was preeminently endowed, and if Virginia had been as potential in this Nation as she was in former times, possessing as he did the universal confidence and admiration of his native State, he would have attained position as high and influence as great as that wielded by the illustrious Virginians in the early days of this Republic. In character and capacity he measured up to these great men.

Mr. President, as great and varied as were these endowments, yet nature had given him other gifts richer and rarer. He possessed the divine power of eloquence. He gave new graces to speech; taught new charms to eloquence. His brilliant,

flashing eyes, his stirring musical voice, his apt and beautiful gestures, his exquisite expressive features, beaming with fire, intelligence, and genius, gave him a charm and power of oratory rarely surpassed. He was equally the master of pathos and humor. He could reason with irresistible logic to the court and afterwards easily draw tears from the jury by a passionate appeal. He was equally at home in the rough and tumble conflicts on the hustings or in the dignified debates of the Senate. He could deliver a literary address of great beauty and elegance and afterwards discuss a great constitutional question with a majestic flow of thought and intellect. His literary taste was unexcelled; his illustrations original and impressive; his diction pure and classic. His addresses were broadly and splendidly conceived and beautifully executed.

His addresses unveiling the Lee monument at Lexington, Va., and the Washington Monument in this city are masterpieces, and will be read and studied as long as eloquence is cherished. These two orations, in beauty of conception and expression, are equal to any of his generation. His address upon the Battle of Gettysburg in vividness, clearness, and eloquence of description can not be surpassed. His addresses upon the life and character of Jefferson Davis and to the Congress of the United States commemorating the centennial of the building of Washington would alone place him in the first rank as an orator. Though his lips are now silent, he will eloquently speak to generations yet to come in the splendid classical orations which will be preserved as a part of the best specimens of the eloquence of his generation.

Mr. President, these many and varied brilliant qualities were combined with a great soundness of judgment and great political sagacity. Ere he attained the age of 40 he became the acknowledged leader of the Virginia Democracy, which position he held unimpaired and undisputed until his death. So wise was his counsel, so sagacious his judgment, that in all these years of leadership he never lost but one political battle, and that was in 1881, which defeat he quickly repaired, and from that time on he led his party to continuous victories and triumphs. For the last 30 years he drew nearly every platform of the Democratic Party of his State. Thus beneath his brilliant, shining qualities were embedded great prudence, judgment, and wisdom. These qualities enabled him to successfully encounter great political storms and upheavals, and be honored with the rare distinction of being elected five times to this honorable body practically without opposition.

Mr. President, the character of Senator DANIEL and the natural aspect of his native State always to me seem to have a strange and striking conformity. Virginia is largely composed of rich, fertile fields; large and broad plains, decorated with hill and mountain scenery of surpassing beauty. So with this great son. He was endowed with a strong, broad, masculine mind and heart, sparkling with the fascinations of a charming personality and glittering with the coruscations of eloquence and genius.

Sirs, the greatest of all English novelists in his masterpiece, "Vanity Fair," has truly said:

> The world is a looking-glass and casts back to each man the reflection of his own face; if he smiles upon the world, it smiles upon him; if he frowns upon it, it frowns upon him; if he hates it, it hates him; if he loves it, it loves him.

How profoundly is this truth illustrated in the magnificent career of this distinguished soldier, lawyer, statesman, orator, and leader! He faced the world with a genial, tender smile and it received him with open, loving arms. He loved humanity and he lived and died the idol of his people. He trusted the people, and with implicit confidence his people, with loving faith, placed their hands in his and followed his leadership and guidance. His people showered upon him great honors and important trusts.

Well might we of Virginia feel a pardonable pride and a laudable love and admiration for our famous soldier boy, our eminent lawyer, our illustrious statesman, our brilliant orator, our sagacious leader!

Mr. President, Carlyle in his splendid essay on Voltaire has truthfully said:

> The life of every man is as the wellspring of a stream, whose small beginnings are, indeed, plain to all, but whose ultimate course and destination as it winds through the expanse of infinite years only the Omniscient can discern. Will it mingle with the neighboring rivulets as a tributary, or receive them as their sovereign? Is it to be a nameless brook, and will its tiny waters among millions of other brooks and rills increase the current of some world-famed river? Or is it to be itself a Rhine, a Danube, an Amazon, whose goings forth are to the utmost lands, its floods an everlasting boundary line of the globe, itself the bulwark and highway of whole kingdoms and continents?

As to which a man's life shall be, whether a tiny stream, giving the current of its life to others, or a magnificent river, receiving the waters of smaller rivulets, depends largely upon one's talents and opportunities, but more than all else upon one's efforts, will, and ambition. Senator DANIEL, possessing high qualities of mind and splendid talents, aspiring and ambitious, chose to make and did make the stream of his life as it ran with its pure waters to the great eternal ocean a large and majestic river, known far and wide, fertilizing broad fields, enriching States, and carrying on its bosom rich treasure for his country and mankind. It is by the lives and sacrifices of such men that States and nations are made strong and great.

A poet has well expressed it:

> What builds a nation's pillars high,
> What makes it great and strong?
> What makes it mighty to defy
> The foes that 'round it throng?
>
> Not gold, but only men can make
> A nation great and strong;
> Men, who for truth and honor's sake,
> Hold still and suffer long.
>
> Brave men, who work while others sleep,
> Who dare when others sigh;
> They build a nation's pillars deep
> And lift it to the sky.

Mr. THORNTON. Mr. President, there is at least one reason why these ceremonies affect me in a different manner than they affect any other Senator, save, perhaps, one; and that reason is the fact that my presence as a Member of this body was caused by the death of one of those in whose honor these ceremonies are being held. I can not therefore on this occasion divest myself of the thought that the great gain which has come to me has been at the expense of the great loss to his family, to his friends, to his State, and to his country of him to whose seat in this Chamber I have succeeded.

I can not expect during my comparatively short tenure of office as a Senator of the United States to equal him in point of good service to our common country and State; but I can remember his devotion to the interests of both as they appeared unto him and, to the best of my ability, try to emulate him in the desire for the discharge of duty as it appears unto me. In that expression, "The desire for the discharge of duty," perhaps can be found the keynote of his character, the principle that molded all his public actions, his desire to do his duty as he saw it.

In the first flush of young manhood at the beginning of the Civil War, true to his convictions of duty, he volunteered in the Confederate Army and fought to the end of that strife for what he considered to be the rights of his State and of her sister States of the South joined with her in that common cause. At the end of that terrible strife he returned to his home and took up the profession of law as a means of livelihood. During his legal career he proved his adherence to his professional duties. In the trying times of reconstruction he proved himself faithful to the duty of assisting in the redemption of his State from corruption and misrule, and shortly after the restoration of white supremacy in Louisiana he was called by her people to discharge the duties of the second highest position in the executive branch of the State government, that of lieutenant governor. Then for seven years he filled the highest position in that branch, that of governor. During his incumbency of those great offices he knew no motive in molding his public action higher than the desire to serve the interests of the State he loved so well.

Shortly after his retirement from the office of governor he was tendered and accepted the appointment of associate justice of the supreme court of Louisiana, and filled that position with both honor and ability. It was during his incumbency of that office that Louisiana passed through the stormiest period of her political history since the days of reconstruction—the great antilottery fight as it is known, the most conspicuous leaders on that side being the present Chief Justice of the United States and the present senior Senator from the State of Louisiana [Mr. FOSTER], the latter being the successful candidate for governor in that memorable contest. But though Justice McENERY was defeated as the candidate of the lottery forces and supported likewise by some who declared themselves opposed to the extension of the franchise, which in public statements he declared to be his own position, he passed through that fierce and bitter political strife without a breath of suspicion being directed toward his personal integrity.

In 1896, while still on the supreme bench in Louisiana, he was called on by the regular Democratic Party to save it from defeat in the senatorial contest then pending in the general assembly, and as the only man in Louisiana who could save it from defeat at that time. To this call of duty he responded and was elected and took his seat in this body in 1897.

His public history from that time to the period of his death in 1910 is a part of the history of the United States, and I may add of the Nation. How well he discharged his duty here to

his country and to his State the records of the Senate and the testimony of his colleagues therein can tell.

Louisiana has never had and she never will have a Senator who loved her better or was more anxious to do his duty by her as he understood it. And that duty he discharged regardless of criticism or of consequences.

In private life he may have been not without his faults, as other strong characters are not without them; but for one I believe that the man who possesses no faults will be found to possess not many of the strong virtues.. He loved his family, his friends, his State, and his country, and that is saying much for any man.

I do not know how I can more appropriately close these brief remarks concerning him than in the language of the governor of Louisiana conveying to the general assembly of that State the official notification of his death:

SAMUEL DOUGLAS MCENERY was distinctly a Louisianian; his career is interwoven with her history, and she never claimed a son that had a stronger hold on her affections.

As a friend he was loyal beyond measure; as a citizen patriotism moved him to action; as a statesman he was a profound thinker, broad and liberal in his ideas and determined every question by the standard of right and wrong. Fond memories of him will ever find an abiding place in the heart of every Louisianian now living, and future generations will remember him as one of Louisiana's sons who never forgot a friend or betrayed a trust.

Mr. MONEY. Mr. President, Shakespeare in speaking of a great contemporary poet condensed a volume of eulogy into four words—

O rare Ben Jonson.

I could say as justly, "O rare JOHN DANIEL." In advanced thought and in thorough appreciation of the intellectual development of the age, he was among the first men of his time; but in certain phases of character he was an anachronism. He lived in an age that is past, when to be a gentleman was above all title and all place. Without any taint of the commercial spirit of the age, without a disposition to extravagance in living, it may be said of him as once was said of a great British secretary—"modern degeneracy had not reached him."

The oratory of JOHN DANIEL was of the ornate sort as to the vehicle, and the ideas it conveyed were profound. It was said of Edmund Burke, whose oratory made him the master of the British House at the age of 34, that his eloquence was always captivating, but not always convincing. DANIEL could convince as well as charm, and while the oratory is not always logical it is well to remember that his great book, Daniel on Negotiable Instruments, is the authority at home and in English-speaking courts abroad, and that book could have been the product only of a great logical mind. I mention him with Burke, because to me they seem more nearly than any other two moderns in the splendor of their rhetoric and in the force of their ideas to approach the "melodious thunder of Tully's eloquence."

DANIEL was a proud man, without vanity; a proud man in the sense that he never forfeited his self-respect by doing a mean, a small, or an ungenerous thing. Respecting himself, he expected to receive the respect of every man; and he was not disappointed. DANIEL never talked loud and never talked about anybody. He was exceedingly chary in expressing his opinion of men, and while enjoying an intimacy with him of which I am proud, I never heard him speak disparagingly of anyone. When he gave an opinion it was always in the most temperate language.

He was reserved in his manner, although exercising always the utmost courtesy—the politeness of a well-bred man toward everyone who came in contact with him, whether they were great or small. No man was of increased importance on account of official position or wealth in his estimation. He was not disposed to make a show of his opinions, and much less of his emotions. He was not a talkative man; but when much interested he spoke with beauty and force. Beneath his reserve, he was a man of the warmest affections and the strongest feelings.

His afflictions, which were great, were not generally known to the world. He did not expose his misfortunes and challenge sympathy. He wanted no man's pity, no man's commiseration. Self-reliant, he received the shocks of grief and the misfortunes that came to him with a composure that was no index to the feeling within.

I doubt if any man in this Senate, at any time, was ever more respected by all, admired by many, and most deeply loved by a few. He could not be promiscuous in the relations of friendship; he treated all with courtesy, but few were admitted into his heart.

The great State which her own citizens love to call the "Old Dominion" has been generous in her gifts to this Nation in her great men in the highest standard of character, and in her State institutions. Among her generous gifts there is none that was richer than JOHN WARWICK DANIEL.

He may have been said to have had within himself the accumulation of generations of talents. His father and his grandfather were orators, great lawyers, and judges of the supreme court of Virginia. His grandfather's cousin was an Associate Justice of the Supreme Court of the United States. He might well have been descended from an English poet laureate of the sixteenth century, to whom admiring critics gave the unique title of "Well-languaged Daniel."

His worth was early discovered, and he was called successively to the lower and upper house of the Assembly of Virginia, where he distinguished himself by his devotion to popular rights and his sagacious forethought.

When quite a young man he was nominated for governor of Virginia, and made one of the most brilliant campaigns in the history of that State. DANIEL considered this a fight for the honor of Old Virginia, and with his punctilious ideas of honor, he looked upon the readjustment of Virginia's debt as an assault by a part of her citizens upon her good name. He entered the campaign with an honorable ambition of preserving the escutcheon of his State from blemish, and with the real gaudia certaminis, he entered the fight eager to end the quarrel by "push of pike and stroke of sword."

While he was defeated, yet he reaped an abundant reward for he was selected, and forever, as the popular hero and favorite of his State, to whom no honor in the future was to be denied.

Senator DANIEL was, in one sense, a bookworm—a man who read at every opportunity a busy practical life permitted. He loved books; they were his treasures, and he found a charm in them which was known to few men. His thorough learning was acknowledged by two great institutions, the Washington and Lee University and the University of Michigan awarding him the degree of bachelor of laws.

Soon after our acquaintance began DANIEL became to me a curious study. He was unlike any one else whom I knew. The deep respect I had for his character and abilities soon ripened into a warm and affectionate friendship, and, counting many friends whom I love, no one could be more sadly missed by me than this heroic and gentle soul.

"After life's fitful fever he sleeps well," and in that other and better place or condition of the soul's existence, where the good and the great of this world are associated eternally, there will be found JOHN WARWICK DANIEL.

Mr. THORNTON. Mr. President, I move, as a further mark of respect to the memory of Mr. DANIEL and Mr. MCENERY, that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 21, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 20, 1911.*

(Continuation of proceedings of legislative day of Friday, Feb. 17, 1911.)

The recess having expired, the House, at 10 o'clock a. m. on Monday, February 20, 1911, resumed its session.

Mr. BENNET of New York. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. Evidently a quorum is not present.

Mr. AUSTIN. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken	Capron	Diekema	Foelker
Ames	Cassidy	Dies	Fordney
Andrus	Clark, Mo.	Dixon, Ind.	Fornes
Anthony	Collier	Driscoll, D. A.	Foss
Barclay	Conry	Driscoll, M. E.	Fowler
Bartlett, Nev.	Cooper, Pa.	Durey	Gaines
Bates	Coudrey	Ellerbe	Gallagher
Bennett, Ky.	Covington	Ellis	Gardner, N. J.
Bingham	Cowles	Elvins	Garner, Pa.
Bowers	Cox, Ohio	Englebright	Gill, Md.
Brantley	Craig	Estopinal	Gill, Mo.
Broussard	Davidson	Fairchild	Gillespie
Burke, Pa.	Davis	Fassett	Gillett
Burleigh	Denby	Finley	Glass
Byrd	Dent	Fish	Goebel
Calderhead	Dickson, Miss.	Focht	Goldfogle

Good	Johnson, Ohio	Moore, Tex.	Sherley
Graham, Pa.	Joyce	Morse	Sherwood
Gregg	Keifer	Mudd	Slayden
Hamer	Keliher	Murdock	Slemp
Hamill	Kennedy, Iowa	Murphy	Smith, Cal.
Hammond	Kinkaid, Nebr.	Norris	Smith, Iowa
Hanna	Kinkead, N. J.	O'Connell	Smith, Mich.
Hardy	Lamb	Olcott	Snapp
Harrison	Lindsay	Page	Sperry
Havens	Livingston	Parsons	Stanley
Hawley	Lloyd	Patterson	Steenerson
Hayes	Longworth	Peters	Sturgiss
Heald	Loudenslager	Pickett	Talbott
Henry, Conn.	Lowden	Pou	Tawney
Higgins	Lundin	Pray	Taylor, Colo.
Hill	McCreary	Pujo	Taylor, Ohio
Hitchcock	McDermott	Randell, Tex.	Vreeland
Howard	McGuire, Okla.	Ransdell, La.	Wallace
Howland	McKinney	Rauch	Watkins
Hubbard, Iowa	McMorran	Reid	Weisse
Hubbard, W. Va.	Madden	Rhinock	Wheeler
Huff	Maynard	Richardson	Willett
Hughes, W. Va.	Miller, Kans.	Riordan	Wilson, Ill.
Hull, Iowa	Millington	Sabath	Woods, Iowa
Hull, Tenn.	Mondell	Shackleford	Woodyard
Humphrey, Wash.	Moon, Pa.	Sharp	Young, N. Y.
Johnson, Ky.	Moore, Pa.	Sheppard	

The SPEAKER pro tempore (Mr. ROBERTS). Two hundred and twelve Members, a quorum, have answered to their names.

Mr. AUSTIN. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Sergeant at Arms will open the doors.

OMNIBUS WAR CLAIMS.

Mr. THOMAS of North Carolina. Mr. Speaker, unless the gentleman from New York [Mr. LAW] desires to make the motion, I wish to make a motion to go into Committee of the Whole to consider bills on the Private Calendar.

Mr. LAW. I have refrained from making that motion, because I understood that a privileged motion would be offered. If not, I move that the House resolve itself into the Committee of the Whole House for the further consideration of the bill H. R. 32767, on the Private Calendar.

The SPEAKER. Does the gentleman make the motion?

Mr. LAW. I make the motion.

Mr. THOMAS of North Carolina. Then I withdraw my motion, Mr. Speaker, and yield to the gentleman from New York.

The SPEAKER. The gentleman from New York [Mr. LAW] moves that the House resolve itself into the Committee of the Whole House for further consideration of bills on the Private Calendar.

The question being taken, on a division (demanded by Mr. BENNET of New York) there were—ayes 150, noes 46.

Accordingly the motion was agreed to; and the House resolved itself into the Committee of the Whole House, with Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar. When the committee last rose general debate had not been concluded. Fifteen minutes remain. The gentleman from New York [Mr. LAW] was entitled to that time, and the Chair recognizes him.

Mr. ROBERTS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS. The motion made in the House was to go into the Committee of the Whole House for further consideration of the bill H. R. 32767. The Chair stated that the House was in Committee of the Whole for the further consideration of bills on the Private Calendar.

The CHAIRMAN. The Chair thinks the gentleman is mistaken.

Mr. ROBERTS. Oh, I am not mistaken, begging the pardon of the Chair, as to the nature of the motion made by the gentleman from New York [Mr. LAW].

The CHAIRMAN. The Chair did not hear the question put. Up to this time the motion has been that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. ROBERTS. The gentleman from New York did not make that motion. His motion was to go into Committee of the Whole to consider this bill.

The CHAIRMAN. The House is in Committee of the Whole under the rules of the House to consider bills on the Private Calendar.

Mr. ROBERTS. On a motion to go into Committee of the Whole to consider a private bill, can the Chairman construe that to be bills on the Private Calendar?

The CHAIRMAN. When it is unfinished business; yes.

Mr. LAW. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, something has been said in this debate about the opposition of gentlemen on this side of the House to these claims. I regret that there has been as much opposition manifested on this side as there has been. At the same time I beg to call the attention of gentlemen to the fact that there are quite a number of Republicans, including myself, who have been urging the enactment of this bill for the payment of these just claims against the Government. The grand old party has enough troubles of its own [applause] without putting on its overburdened back the sins of the gentleman from Illinois [Mr. MANN]. [Applause.]

I do not claim to be an expert parliamentarian——

Mr. CAMPBELL. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. CAMPBELL. Does the gentleman think that a heavy "pork barrel" will lighten the burdens on the back of the Republican Party at this time?

Mr. LANGLEY. In answer to the gentleman from Kansas, I will say that if the payment of just claims against the Government, which the finding of its own tribunal show to be just, and which ought to have been paid years and years ago, constitute the gentleman's idea of a "pork barrel," then he and I place an entirely different construction upon the term. If a bill providing payment for such claims as these is a "pork barrel," then I shall always be glad to vote for such a "pork barrel." [Applause.] There are but few of the claims embodied in this bill that belong to my congressional district. There are two or three church claims in it, and all of these are just and should have been paid years ago. There is also embodied in it an item for an old soldier for $750, for property taken from him nearly half a century ago—and it was all he had, too—and used by the Union troops. This property was really worth then a good deal more than this bill provides for him, and he has had to wait all these years in poverty; and even now, if he gets anything, it will be less than is due him, and that, too, without any interest.

There is also another case, where provision is made for the heirs of an old man, who waited in vain for years and years to get the money and finally died. This bill carries less than $3,000 for my entire district and only a few hundred dollars in each of the cases I have referred to, and in every instance the evidence required was furnished many years ago.

These delays are not creditable to this great Government; and it is certainly not very creditable to any gentleman to seek to block the payment of such claims. Such occurrences as these are chiefly responsible for the growing lack of confidence in the Government among the masses of the people.

I was proceeding to say when the gentleman from New York interrupted me that I do not claim to be an expert parliamentarian, and if, in order to be one, I would have to resort to the quibbling and hairsplitting that we have witnessed here lately and would have to use my expertness in thwarting the will of the majority of this House in blocking the payment of these just claims against the Government, then I thank God that I have no ambition to become an expert.

Mr. BENNET of New York. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. BENNET of New York. Does not the gentleman think that the French spoliation claims and the naval overtime claims ought to be paid?

Mr. LANGLEY. I am in favor of the naval overtime claims. I know very little about the French spoliation claims. My people are not so very much interested in them. I will say, however, to the gentleman from New York that I voted against the motion of the gentleman from Illinois to strike out the enacting clause of the bill carrying both classes of claims to which he refers. To my surprise nearly every gentleman on the other side of the House failed to stand with those of us on this side who voted against that motion, and as a result the motion carried. And yet they claim to be the special friends and champions of laboring men, hundreds of whom by that action were deprived of their just dues.

Mr. BENNET of New York. Let me ask the gentleman why he is in favor of striking out the claims of James Harvey Dennis, Louis Landram, Harry Pearson, Elba P. Gassaway, Theodore Speiden, and William S. Speiden?

Mr. LANGLEY. The gentleman from New York is laboring under a misunderstanding. I said that I voted against that motion, and therefore in favor of these claims, and I called attention to the fact that a number of gentlemen on this side

of the House also voted against it, while nearly all of those on the other side did not.

Mr. BENNET of New York. But who did vote for the motion? Everybody denies it.

Mr. LANGLEY. I say that I did vote against the motion of the gentleman from Illinois and I know several other gentlemen who did. My recollection is that most of the gentlemen on the other side refrained from voting at all. Mr. Chairman, these war claims total $1,164,291. Every one of them, as has been stated frequently in this debate, is founded on the findings of the Court of Claims, which, although not a judgment, ought to be just as binding on the Government.

Mr. SULLOWAY. Will the gentleman yield for a suggestion?

Mr. LANGLEY. Yes; I will yield to the gentleman.

Mr. SULLOWAY. I simply want to say that the French spoliation claims are supported by findings of law and facts both.

Mr. LANGLEY. I am arguing for the war claims in this bill. I do not dispute what the gentleman says. I am not speaking against the spoliation cases. Mr. Chairman, we ought either to pay these claims that have been found just and due by the tribunal created by Congress for that purpose or we ought to abolish the Court of Claims itself. Hundreds of thousands of dollars are being expended for the maintenance of this tribunal. If we are not going to pay these claims, what is the use of having this annual farce of referring these claims to the court and causing the claimants and attorneys to go to trouble and expense for nothing? Let us either pay the claims when they are shown to be due or throw up the whole business and quit misleading the people about it. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. LAW. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, the justice of the war claims, adjudicated in the Court of Claims and indorsed by the President of the United States, needs no words from me to add consideration for their merits on the part of this House. Some 13 of these claims originated in and are owned by citizens of the sixth district of Missouri, which I have the honor to represent—individuals, estates, and churches—11 of them in the county of Cass, lying adjacent to the State of Kansas, whose people were made familiar with the horrors of border warfare in that great and bloody strife and bore personal loss and suffering as came scarcely to any other section of our land. Order No. 11, by which the great county of Cass was devastated, the homes of its inhabitants burned and destroyed, its citizens driven out, its women and children fleeing as refugees to other sections from the smoking ruins of their homes destroyed as a matter of war policy, so that a wide strip of territory of Missouri lying next to Kansas might have no people on its soil whose hearts were in sympathy with the southern cause espoused by their fathers, husbands, and brothers, and to the end that this territory should be occupied solely by those in sympathy with the Federal Government. Those alone loyal to the Government remained, and the Union forces, who drove out of Cass and other counties of that doomed strip the women and children of southern sympathizers, foraged alike upon the southern and upon the Union people who furnished the provisions for man and beast taken by authority of Federal officers, which now constitute the basis of these claims, established beyond controversy as just claims against the Government. Two of these claims go to the trustees of churches used as hospitals by these soldiers, in the city of Harrisonville, in the county of Cass.

Order No. 11, known of all men in that section, became historical not only in war but was made famous on canvas and in politics.

The painting by Gen. Bingham portrayed the scenes all over that strip of territory, when groups of women and children fled in terror before the bayonet of the soldier, acting under orders, seeking new homes beyond the borders of their native counties, while they looked back in sorrow and poverty upon the ruins of their deserted homes. This great painting, known as Order No. 11, was used by Gen. Bingham in the political canvass in Ohio against Gen. Ewing, who ran for governor on the Democratic ticket, and copies of this painting were sent all over Ohio in that contest.

Order No. 11 was deemed a war necessity, issued by Gen. Ewing, acting, it is said, under orders from higher authority; devastation followed like that which followed the destructive charge of Sheridan in the valley of Virginia, and the march of Sherman through Georgia to the sea. But while these destructive war measures accomplished their purposes by destroying the recuperative powers and resources of the South, yet they could not be successfully sustained without the contribution of stores and supplies taken from loyal Union men, who thereby became creditors of the Government, and for which they now press their claims.

The suffering in Cass County came to both sides, but those who were loyal to the Union are under the law alone entitled to present their claims for allowance by the Government. I hope this opposition may terminate. I have no criticism for any who entertain different views, but the rejection of these claims is bound to result in lessening the esteem for and confidence in the Court of Claims, which has passed upon them. Whether right or not to oppose the French spoliation claims, that opposition does not, in my judgment, justify opposition to these war claims, which have been established by the Court of Claims, approved by the President, and which are for the benefit of parties resident in sections of the South where they originated. These war claims are recognized by all who have spoken as just and honest claims, and as claims that ought to be paid, but now opposed by some because what is known as the French spoliation claims have been stricken from the omnibus bill.

My sympathies were with and my allegiance was given to the southern cause, and my heart and the fortunes of all my kin, resident mainly of the State of Virginia, were wrapped up in the success of that cause. Forty years ago I came to make my home in Missouri, and ever since have been a resident of this, now sixth, congressional district, and all my interests are linked with the welfare of the people of this district. I recall the bitter feelings that existed when I came to Missouri along the border line of Kansas and Missouri, but I have lived to see a better feeling and friendship between the citizenship of these States grow up under the kindly hand of time, the great healer, and as long as I shall represent this great district, composed as it is of such magnificent citizenship, I shall endeavor to regard and contend for the rights of every citizen of this district, regardless of how he stood in that great conflict that divided in twain not only great sections of our country, but divided families and friends as no civil strife ever did before. The war is long since over, its bitterness is forgotten, the children of the contestants on both sides have intermarried, a new era has arisen, the dawn of a new civilization is seen in the land, the hand of peace is everywhere extended, the blight of war is forgotten, except to do justice as far as can be to claims as they have arisen, grown out of that war, to be allowed and paid only when established beyond controversy as just claims against the Government.

Let the Government pay its just debts, but let it at the same time, with stubborn honesty hailing the dawn of a better day, turn its face against all graft, and striving to represent the best thought of this Nation seek to bring about an economical administration of public affairs and the enactment of just laws for the benefit of all the people, and to put an end to the longer domination of special privilege, so that justice may be done to the masses of the people everywhere, and that privilege may no longer be favored in this country, and that the trend toward centralization of power in the hands of a few may be stayed, and that the people may retain their God-given power, and with that power in their own hands and control may be able to perpetuate this Republic for the preservation of human liberty and the welfare and civilization of the people for all the ages to come.

Mr. LAW. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Chairman, I had the pleasure and satisfaction of listening yesterday to the patriotic remarks of the distinguished gentleman from Alabama [Mr. RICHARDSON].

His splendid record here and his well-known standing in his home, Huntsville, favorable to the Union soldier, is generally recognized and highly appreciated by the veterans of the Civil War. As one of these men, familiar with these facts, I desire to make public acknowledgment of the friendly and patriotic services in behalf of my comrades of my friend from Alabama, Judge RICHARDSON.

I most cordially thank the gentleman, who served so gallantly on the other side during the late unpleasantness, and feel it my duty to pay him this deserved tribute. [Applause.]

Mr. LAW. Mr. Chairman, I want to ask the attention of the committee for a moment only. We are about to begin the reading of this bill under the five-minute rule, when amendments will be in order, and I just wish to say a few words in closing this debate as to the character of the bill. First, I want to recognize the splendid loyalty that the members of the Committee on War Claims have shown in supporting the chairman of that committee during the present Congress in making up a

meritorious bill. Every single item in that bill has been considered solely upon its merits.

A few days ago the gentleman from Kansas [Mr. CAMPBELL] made remarks to the effect that the Senate bill—and I assume he included in his remarks the House war-claims bill—was made up by apportioning the claims among the various States for the purpose of securing votes for the bill. That, perhaps, sounded very well to the galleries, but there is one thing about it that the galleries probably did not take into consideration, and that is that the statement was not true.

In every single instance every item in the bill has been considered without regard to what section of the country it came from and without regard to what State it came from. The House bill includes all of the war claims items in the Senate bill of which the House committee approved. We struck out a considerable number. The Senate bill had five items in it from the State of New York. The Committee on War Claims struck out four of these five, and two of these five, aggregating over $30,000, were from the borough of Brooklyn, in the city of New York, the borough and city in which I live, and in one of them my colleague from Brooklyn [Mr. CALDER] was very much interested. I want to ask the Committee of the Whole to support the Committee on War Claims in the matter of amendments as the Committee on War Claims has supported its chairman; and I am going to ask the Committee of the Whole not to vote into this bill amendments that have not been thoroughly and carefully considered by the committee.

Mr. Chairman, I call for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read.

Mr. ROBERTS (interrupting the reading). Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ROBERTS. I desire to offer an amendment.

The CHAIRMAN. The gentleman will please defer until the first paragraph of the bill is read.

Mr. ROBERTS. I want to amend the title of the bill.

The CHAIRMAN. The title of the bill can not be amended at this stage of the proceedings.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants in this act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

Mr. ROBERTS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after line 9 the following:

"FRENCH SPOLIATION CLAIMS.

"To pay the findings of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 31, 1801, under the act entitled 'An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1800'"——

Mr. MANN (interrupting the reading). Mr. Chairman, the amendment has been read far enough to indicate the purpose of it, and I make the point of order that the amendment is not germane to the bill.

Mr. ROBERTS. Mr. Chairman, I desire to be heard on the point of order.

Mr. FINLEY. Mr. Chairman, I make the point of order that it is not in order at this place in the bill.

The CHAIRMAN. The point of order has already been made. It seems to the Chair that the point of order made by the gentleman from South Carolina is similar to the point of order made by the gentleman from Illinois. The Chair will hear the gentleman from Massachusetts upon the point of order.

Mr. ROBERTS. Mr. Chairman, the bill under consideration treats of the French spoliation claims. It legislates with regard to them. You will find on page 101 of the bill, lines 11 to 15——

Mr. LAW. In what respect does the House bill deal with French spoliation claims?

Mr. ROBERTS. If the gentleman will read his own bill, page 101, lines 11 to 15, he will see that he is legislating in this bill with regard to the payment of French spoliation claims, and if the bill is dealing with those claims and making provision for their payment it is certainly in order to provide for the payment of some of these claims in the bill.

The CHAIRMAN. May the Chair ask the gentleman from Massachusetts, assuming the statement of the gentleman from Massachusetts, in regard to the items on page 101, is true, does the gentleman think that this amendment is germane to paragraph 1 of the bill?

Mr. ROBERTS. Most assuredly. In the language on page 101 is this provision with regard to French spoliation claims, "which shall be made as heretofore prescribed in this act." Now, in this amendment we propose to prescribe in this act what French spoliation claims shall be paid, and clearly the bill is subject to amendment in regard to French spoliation claims inasmuch as it deals with them and legislates upon them.

Mr. HAMLIN. Mr. Chairman, a parliamentary inquiry.

Mr. STAFFORD. Will the gentleman yield——

The CHAIRMAN. The gentleman from Missouri rises for a parliamentary inquiry. The gentleman will state it.

Mr. HAMLIN. My recollection is that the gentleman from New York [Mr. LAW] only offered the bill down to the bottom of page 100. Now, the question is, Is that part of the bill on page 100 under consideration by this committee at all?

Mr. MANN. The gentleman is confused about that.

The CHAIRMAN. The gentleman from Massachusetts is discussing that very question now.

Mr. HAMLIN. But I understand the gentleman from New York only offered this bill down to the bottom of page 100.

Mr. ROBERTS. The whole bill is offered as a substitute for the Senate bill.

Mr. STAFFORD. The gentleman will not contend that the reference to French spoliation claims on page 101, which is in this language—

But these provisions shall not apply to payment of French spoliation claims which shall be made as heretofore prescribed in this act—

can be used as a handle to hold French spoliation claims that might be proposed to this bill. As I understand the contention of the gentleman from New York, the chairman of the committee, there are no French spoliation claims contained in this act. The reference on page 101 to something that does not exist can not be made a handle on which to hold something not germane.

Mr. ROBERTS. Mr. Chairman, I can not agree with the contention of the gentleman from Wisconsin. This bill purports to legislate with reference to French spoliation claims, and if it contained anywhere within its limitations a legislative provision with regard to these claims, certainly the bill is subject to amendment with regard to the spoliation claims.

Mr. MANN. Mr. Chairman, the gentleman from Massachusetts endeavors to hang his amendment on the legislative provision on page 101 of the bill; and, so far as that is legislation, apart from the consideration of the particular claims in the bill, the committee was without power or jurisdiction to report that in this bill. The Committee on War Claims has no jurisdiction of a private claims bill to recommend any legislation that deals with anything except the method of paying the claims in the bill which the committee reports, covering the private claims which are included, and if there is anything in that section which as a legislative provision applies to the claims not included in the bill it is subject to the point of order. It was beyond the power of the committee to report it in this bill, and hence you can not hang an amendment with reference to claims upon an illegal provision in a bill reported without power on the part of the committee.

The CHAIRMAN. May the Chair ask the gentleman from Illinois [Mr. MANN] if any items are included in this bill, except this section, that are not within the jurisdiction of the Committee on War Claims?

Mr. MANN. I understand not. That has been the statement of the chairman of the Committee on War Claims.

The CHAIRMAN. May the Chair ask the gentleman from New York [Mr. LAW] if there are items included within the jurisdiction of any other committee?

Mr. LAW. There are not. I would like to add that lines 14, 15, and 16, on page 101, come there in this way: That section was adopted from the Senate bill. Those lines should have been eliminated. There are no French spoliation claims provided for in the act, and when page 101 is reached an amendment, of course, will be in order striking them out.

Mr. MANN. That provision is subject to a point of order. Now, Mr. Chairman, this bill is a bill reported from the Committee on War Claims. That committee has jurisdiction of claims arising from any war in which the United States has been engaged. They have no other jurisdiction. The Committee on Claims has jurisdiction of private and domestic claims, other than war claims, against the United States. The French spoliation claims are not war claims. The very basis of the claims is that they were claims incurred when there was no

war, and the Committee on Claims has always had jurisdiction of the French spoliation claims. The bill is entitled:

A bill for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts.

But those acts do not include the French spoliation claims. The French spoliation claims do not arise under the Bowman and Tucker Acts.

The bill reported from the Committee on War Claims includes no claims except war claims and is entitled:

A bill to allow claims under the Bowman and Tucker Acts.

It includes no claims except claims which have been passed upon by the Court of Claims under the Bowman and Tucker Acts, and it is not in order to introduce an amendment covering claims under the jurisdiction of the Committee on Claims which do not come under the findings of the court under the Bowman and Tucker Acts.

And if there be a legislative provision in the bill, if the bill contained a general legislative provision, in reference to the French spoliation claims, until that provision has passed through the committee without encountering the point of order, it would not be a sufficient basis upon which to hang an amendment for the French spoliation claims, because the Committee on War Claims is without jurisdiction to report in its bill a general legislative provision relating to the French spoliation claims. And when such a provision should be reached in the bill it would be subject to a point of order, and if the point of order is made would necessarily go out of the bill, because the committee had no jurisdiction to report that provision of the bill.

Mr. ROBERTS. Mr. Chairman, the gentleman from Illinois is presuming a state of things which may or may not happen when we reach page 101 of this bill.

Mr. LAW. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration bills on the Private Calendar and had come to no resolution thereon.

LATE REPRESENTATIVE AMOS L. ALLEN.

Mr. SWASEY. Mr. Speaker, I offer the following resolutions.

The SPEAKER pro tempore. The gentleman from Maine offers the following resolutions (H. Res. 986), which the Clerk will report:

Resolved, That the House has heard with profound sorrow of the death of Hon. AMOS L. ALLEN, a Representative from the State of Maine.

Resolved, That a committee of eight Members of the House (with such Members of the Senate as may be joined) be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. SWASEY. Mr. Speaker, at the conclusion of the business of the House, or later in the day, I shall ask that the House adjourn in honor and respect to the memory of the late Representative, Hon. AMOS L. ALLEN, of Maine, and the late Representative Hon. WALTER P. BROWNLOW, of Tennessee.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers a privileged report from the Committee on Rules, which the Clerk will report. (H. Res. 985; Rept. No. 2197.)

The Clerk read as follows:

Substitute for House resolution 984:

"*Resolved*, That during the remainder of this session section 1 of Rule XXVIII shall be, and hereby is, modified in the following particulars:

"'It shall be in order for the Speaker to entertain the motion at any time on any legislative day, any rule to the contrary notwithstanding; and upon the demand of any Member opposed to the motion, a second shall be considered as ordered.'"

Mr. DALZELL. Mr. Speaker, Rule XXVIII is the rule which provides for a motion to suspend the rules. Under the existing rules the last six days of the session are suspension days. The effect of the adoption of this rule will be to add six suspension days, or rather the days remaining of this week.

The provision remains that it requires a two-thirds vote to suspend the rules and not a mere majority, and there is a provision also in the rule, to get rid of the existing provision, which gives the preference to the Unanimous Consent Calendar and the Calendar to Discharge Committees, so that after the adoption of this rule until the end of the session a motion to suspend the rules will be in order at any time.

Mr. BARTLETT of Georgia. Mr. Speaker, may I ask the gentleman a question?

Mr. DALZELL. Certainly.

Mr. BARTLETT of Georgia. I understand the rule requires a two-thirds vote to suspend the rules?

Mr. DALZELL. I have already so stated.

Mr. BARTLETT of Georgia. And this applies to the appropriation bills, and there will be only 40 minutes debate on any bill?

Mr. DALZELL. It does not modify the existing rule in any other respect than as stated.

Mr. DOUGLAS. Mr. Speaker, I would like to inquire of the gentleman from Pennsylvania [Mr. DALZELL] whether——

Mr. MADDEN. Is it the understanding of the Committee on Rules that this is needed in order to consider the great supply bills, like the sundry civil bill, under suspension, except as a matter of last resort?

Mr. DALZELL. The Committee on Rules has no understanding about it except, as I was going to explain, the situation of the public business at the present time gives rise to the necessity of some measure to relieve the House so as to prevent an extra session of Congress.

Mr. MADDEN. The sundry civil bill is so large and voluminous and of so varied character as to the nature of the items composing it that, in my opinion, it should be fully considered and scrutinized by the House, and it does not seem to me to be wise for the House to consider that bill under a suspension of the rules.

Mr. DALZELL. If the House does not consider it wise to do that, it can indicate its judgment by its vote. Whether this rule is passed or not, however, a motion to suspend the rules and pass the sundry civil bill will be in order next week at any time.

Mr. LENROOT. May I ask the gentleman from Pennsylvania, if this rule is adopted, will it be in order to call up bills from the Unanimous Consent Calendar?

Mr. DALZELL. Yes.

Mr. MANN. It will be in order.

Mr. DOUGLAS. I ask, Mr. Speaker, that the resolution be again reported.

The SPEAKER pro tempore. Without objection, the resolution will be again reported.

The Clerk again reported the resolution.

Mr. DOUGLAS. Now, will the gentleman from Pennsylvania yield? I would like to know what the gentleman's reply was to the inquiry of the gentleman from Wisconsin [Mr. LENROOT] in regard to calling bills from the Unanimous Consent Calendar. There is no provision for that here, as I understand from the reading of the resolution.

Mr. DALZELL. This does not relate to the Unanimous Consent Calendar. It simply makes in order at any time, without regard to the preference of any other class of bills, a motion to suspend the rules.

Mr. MANN. Under the rules the calling of bills from the Unanimous Consent Calendar is in order on any day when the suspension of the rules is in order, so that the calling of bills on the Unanimous Consent Calendar, unless unanimous consent is refused, would be in order on any morning hereafter, if this resolution is passed.

Mr. HOBSON. I would like to ask the gentleman from Pennsylvania whether he would accept an amendment to the resolution providing that, in the case of appropriation bills, the same should be subject to amendment without debate.

Mr. FITZGERALD. We will take care of that.

Mr. DALZELL. Mr. Speaker, I want to call the attention of the House to the existing condition of the public business. The diplomatic and consular appropriation bill, the fortifications bill, the sundry civil bill, and the general deficiency bill are four general appropriation bills which have not yet been reported to the House. In the Senate the pension appropriation bill and the agricultural bill have not yet been reported. Of all the bills that have been reported there are now only four

general appropriation bills in conference, and none except the urgent deficiency bill has yet gone to the President for signature.

The present state of the public business is shown by the following table:

Status of appropriation bills.

No. of bill.	Title.	Reported.	Passed House.	Reported in Senate.	Passed Senate.	Sent to conference.	Conference report agreed to.	Date approved.	No. of law.
H. R. 28406	Indian	Dec. -	Dec. 9	Dec. 16	Jan. 25	Jan. 27	.....	.....	.....
H. R. 28632	Rivers and harbors	Dec. 9	Dec. 10	Jan. 30	Jan. 31	Feb. 2	.....	.....	.....
H. R. 29157	Pensions	Dec. 2	Dec. 13	.....	.....	.....	.....	.....	.....
H. R. 29360	Legislative, etc	Dec. 4	Jan. 12	Jan. 24	Jan. 26	Jan. 31	.....	.....	.....
H. R. 29495	Urgent deficiency	Dec [illegible]	Dec. 17	Dec. 17	Dec. 17	.....	.....	Dec. 23	328
H. R. 31237	Army	Jan. 12	Jan. 17	Feb. 3	Feb. 7	Feb. 9	.....	.....	.....
H. R. 31539	Post office	Jan. 16	Jan. 24	Feb. 9	.....	.....	.....	.....	.....
H. R. 31596	Agriculture	Jan. 17	Feb. 11	.....	.....	.....	.....	.....	.....
H. R. 31856	District of Columbia	Jan. 21	Jan. 30	Feb. 10	Feb. 13	.....	.....	.....	.....
H. R. 32212	Naval	Jan. 28	.....	.....	.....	.....	.....	.....	.....
H. R. 32436	Military Academy	Feb. 3	.....	.....	.....	.....	.....	.....	.....
	Diplomatic and consular	.....	.....	.....	.....	.....	.....	.....	.....
	Fortifications	.....	.....	.....	.....	.....	.....	.....	.....
	General deficiency	.....	.....	.....	.....	.....	.....	.....	.....
	Sundry civil	.....	.....	.....	.....	.....	.....	.....	.....

There are precedents for the passage of just such a rule as this, or even a more drastic one. On April 20, 1908, the House passed a rule similar to this, except that it permitted the passage of a motion to suspend the rules by a majority vote instead of a two-thirds vote. On April 26, 1909, the House again passed a similar rule. So that not only do the exigencies of the public business demand the passage of some such rule as this, but it is jutified by precedent. Now I yield to the gentleman from Alabama. How much time does he desire?

Mr. UNDERWOOD. Ten minutes.

Mr. DALZELL. I yield 10 minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, so far as the ultimate passage of the general appropriation bills is concerned, they are in a more dangerous condition than I have ever seen them since I have been in Congress.

There is no desire on the part of this side of the House to fail to appropriate sufficient money to take care of the executive departments of the Government. We of course want the right to see that the supply bills are passed properly and economically and that no legislation is passed on them that should not be enacted.

The rules provide that the last six days of every session shall be suspension days, and therefore the provisions of this rule would be in order on those last six days. Excluding next Sunday, there are 11 days left of this session of Congress. The effect of this rule is to add five suspension days to those that are already provided for in the rules.

The adoption of this rule leaves the veto power absolutely in the hands of this side of the House if any legislation is offered by the majority that is objectionable to this side, because, if passed at all, it must be passed by a two-thirds vote.

I was not in favor of the rule as originally offered, to allow a majority of the House to suspend the rules, but the majority members of the Rules Committee acceded to the proposition that the suspension of the rules should only be made by a two-thirds vote.

Having conceded that, and having also provided that any Member of this House may demand a second, and that upon his demand a second shall be considered as ordered, which will bring 20 minutes' debate on a side on any proposition offered to the House, I think under the existing condition of the public business the rule is a fair one, and that it is the duty of our side, within reasonable limits, to aid the majority in passing the supply bills that are necessary to run the Government. Therefore I favor the bill presented by the gentleman from Pennsylvania.

I yield the balance of my time to my colleague from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, I favor the adoption of this rule because the House has been in well-nigh continuous session since Friday last. Practically all of that time has been taken up in an attempt to get proper consideration of one particular measure before this House, and we have been so hampered and hindered by the rules of the House and by the obstructive policy of gentlemen under those rules that I am glad the Committee on Rules have brought in this special rule, whereby the majority of this House may put into legislation the measure—the war-claims bill—which the House wishes to enact. Under this special rule it will not be possible for any Member or any handful of Members to obstruct the proceedings of the House, to thwart the will of the House, and thereby force the majority to stay here all night, night after night, and all day, day after day, in order to pass a just and proper or necessary bill. This rule will enable us to get rid of one-man power. It will enable the House to so revolutionize the rules of the House as to enable the House to transact its business contrary to the obstructive desire of some few Members. I am glad that the Committee on Rules caught the idea from the resolution proposing to instruct them, which I introduced Saturday night, and that the committee voluntarily brought in such a rule as provided for in that resolution, which special rule will enable the House to speedily pass the war-claims bill. I therefore favor this rule.

Mr. UNDERWOOD. I yield whatever time I have left to the gentleman from Virginia [Mr. JONES].

Mr. JONES. Mr. Speaker, I do not know how much time is left, but all of the gentlemen who have addressed the House upon this subject have favored this resolution. I am opposed to it, and I think I ought to be given a reasonable time to present my views in opposition.

Mr. CLARK of Missouri. Mr. Speaker, I wish the gentleman from Pennsylvania would yield to the gentleman from Virginia five minutes.

Mr. DALZELL. I yield five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I yield that time to the gentleman from Virginia.

The SPEAKER. In addition to the time that he already has?

Mr. DALZELL. The gentleman from Virginia has already had four minutes yielded to him.

Mr. CLARK of Missouri. Did the gentleman from Virginia have four minutes?

Mr. JONES. I do not know how many.

Mr. CLARK of Missouri. Because if that is so, that is enough. Somebody else may want the time.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] controls the time, and he yielded 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD]. That gentleman consumed five minutes and his colleague [Mr. CLAYTON] consumed one minute. That would be six minutes out of the 10. Now, how much time does the gentleman yield?

Mr. DALZELL. Mr. Speaker, as I understand it, I have an hour, and I yielded 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD]. I now yield five minutes more to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I yield that time to the gentleman from Virginia [Mr. JONES].

Mr. JONES. Mr. Speaker, how much time have I?

The SPEAKER. Five minutes.

Mr. JONES. Mr. Speaker, I understood that the gentleman from Alabama yielded me four minutes.

The SPEAKER. Without objection, the gentleman from Virginia has nine minutes.

Mr. JONES. Mr. Speaker, I have arisen for the purpose of opposing this rule. I do not hope that anything I may say will bring about its defeat since it seems to have the support of the minority as well as the majority members of the Committee on Rules. I can at least raise my voice in earnest protest against the adoption of what I regard as a most drastic as well as a most dangerous rule of parliamentary procedure. The gentleman from Pennsylvania [Mr. DALZELL] cites two recent precedents for this rule. I have not, of course, been able to examine

the record for the purpose of informing myself as to the exact facts, but I venture the assertion, without having investigated the question and refreshed my memory as to the facts, that not a single Democrat in this body voted for either of the special rules cited by the gentleman from Pennsylvania [Mr. DALZELL] as precedents for the action which he now asks this House to take. I do not believe that either of them received a Democratic vote, and if not, I for one will not be bound by a bad Republican precedent. I do not believe, as I have said, that such an inexcusable, drastic, and dangerous rule as this ever received a single Democratic vote since I have been a Member of this House, and I challenge gentlemen to show to the contrary. The rules that have been cited as precedents for the action which we are now urged to take were forced upon a Democratic minority by the exercise of brute Republican force and over the protests and votes of solid Democratic minorities.

Such precedents should not appeal to Democrats, and they certainly will not influence my vote in favor of a Republican device to help that party out of a hole; a rule that is utterly repugnant to every parliamentary principle for which the Democratic Party has contended for 20 years or more. The only excuse which has been offered for this proposed rule is that unless it is adopted a number of the great annual appropriation bills will fail of passage, thus necessitating an extra session of Congress.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. JONES. Yes.

Mr. UNDERWOOD. I want to say to the gentleman that the other rule, which we all opposed, authorized the suspension of the rules by a majority, and this requires two-thirds.

Mr. JONES. I understand that. The chairman of the Committee on Rules who presents this rule, a rule which is supported by the gentleman from Alabama, cited the adoption of two other special rules as precedents for the one now under consideration. As the gentleman from Alabama and the gentleman from Pennsylvania seem to be agreed as to this rule, I naturally supposed that both were relying for their justification upon the only precedents which have been cited. Whatever those special rules may have provided for, and they were not so broad, and sweeping, and dangerous as this, they were a part of a Republican program which no Democrat here ever indorsed.

Now, Mr. Speaker, the reason assigned for the adoption of this rule is that unless it is adopted, the great annual supply bills will fail of passage by this Congress, thus necessitating an extra session of the Sixty-second Congress. If this should occur, Mr. Speaker, I would like to ask the gentleman from Alabama or any other Democratic member of the Committee on Rules whether or not he thinks the Democrats will be in any degree responsible for that condition of affairs?

Mr. UNDERWOOD. Not at all.

Mr. JONES. This being admittedly true, then, I would like to ask further why any Democrat should be expected to vote for a Republican rule, the confessed purpose of which is to aid the Republican majority in extricating itself from a position into which it has been placed by its own inexcusable neglect of the great public interests committed to its charge. Does the gentleman from Alabama think that this is a good reason for supporting a rule, the like of which I venture to affirm, has never been adopted by this House in its entire history? A rule that places every Democrat upon this floor at the mercy of one Member, and deprives the House itself of the few rights it has hitherto enjoyed.

Mr. UNDERWOOD. If the gentleman asks the question I will answer it. I think we should stand for our country and our country's good without reference to partisan politics.

Mr. JONES. I do not believe that the failure of the adoption of this rule would result in the failure of the passage of the great supply bills. I do not believe the reason given is a sound one. It is, in my judgment, simply a pretext. I do not believe that the Republicans would ever have allowed themselves to be placed in a position which would make it necessary to adopt this rule in order to pass the great annual appropriation measures, which much be passed before the end of the present fiscal year, in order to run the Government.

Since Friday morning last this House has been in continuous session, striving to pass a measure of the utmost merit and justice, but a Republican minority has, by a resort to filibustering tactics, up to this time thwarted its passage. Having consumed all this precious time in a vain effort to defeat a just measure, a measure supported by a majority of this House, we are now told that unless this indefensible and most dangerous rule is adopted the Republicans, who are responsible for the present situation, will not be able to pass a dozen or more great appropriation bills. Who is responsible for this inexcusable waste of time?

Mr. CULLOP. Will the gentleman yield?

Mr. JONES. I beg the gentleman's pardon, but I can not yield. The only items contained in the omnibus claims bill to which the filibustering Republicans avowed opposition have been stricken out. No one has said that every item in the bill as it now stands is not a just and honest claim against the Government, and the bill can easily be passed in one hour. It could have been passed in less time than has been consumed in discussing this vicious rule. Nobody questions this statement.

But, we are told, the sundry civil bill, the naval bill, the general deficiency bill, and a number of other great supply bills can not be passed. If this be true, who is responsible for this condition of affairs? I do not believe this. I have heard this same mournful story repeated here year after year for the past 20 years; but somehow the bills have been passed and extra sessions of Congress avoided. No one has even contended that this rule is necessary for the passage of any one of the hundreds of meritorious bills upon the calendars, save only the great supply bills. The gentleman from Pennsylvania has said nothing of any other measure or measures in which many of us are deeply interested. No gentleman need fear, I think, that the annual appropriation bills will not be passed by this Congress with or without this rule.

Speaking for myself, I may say that the threat of an extra session has no terrors for me. As I have said, I do not believe that the passage of the supply bills is dependent upon the adoption of so tyrannical and dangerous a rule as this. To those who believe the adoption of this rule necessary to prevent an extra session of Congress I will say that the failure of the passage of the Canadian reciprocity agreement by another body is far more likely to bring about the thing which they profess to be so anxious to avoid.

It is quite generally believed that unless the Senate yields to the demands of the Chief Executive and passes the Canadian reciprocity agreement measure, there will be an extra session of Congress, and if for this reason an extra session of Congress is called by the President any of the appropriation bills about which gentlemen seem so much concerned and which by any possibility may fail to pass at this session may then be taken up, carefully considered, and passed in an orderly and proper way.

Mr. Speaker, as I have said, I am not one of those who believe that we can not pass these great bills within the 12 days that still remain of the session without the aid of this obnoxious rule. It were far better not to legislate at all than to appropriate hundreds of millions of the people's money without consideration, to say nothing of proper consideration, for to appropriate $150,000,000 in 40 minutes is to do so without consideration. I have never known, in 20 years' experience, a Republican chairman of the Committee on Appropriations to fail to rise in his place and warn the Members of the minority that unless they desisted from the discussion of items in the great appropriation bills to which they were opposed they would bring on an extra session of Congress. This is a trick as old as the Republican Party, and yet I have never known, in all my experience here, that any extra session followed such predictions. The bills were always passed. In fact, they are always held back for a purpose.

But, the Republicans themselves, as I have said, are responsible for the conditions which they describe, and whether or not we succeed in passing the bills concerning which the gentleman from Pennsylvania exhibits so much solicitude in the orderly and proper method provided by the regular rules of this House, the Democrats are not responsible for the situation about which they profess so much concern. For one, I have heard the Republican leaders attempt to frighten this House too often with the cry of an extra session to attach the least importance to what is now being said along the same old lines. The adoption of this rule will not only permit the passage of appropriation bills carrying in the aggregate the enormous sum of a billion dollars without an opportunity for either debate or amendment, such bills as the sundry civil bill, which alone may be expected to embrace hundreds of items aggregating $150,000,000, but it will confer upon the Speaker of this House for the remaining days of this session such autocratic power as even he never before possessed or exercised. I can never vote for so undemocratic, so indefensible, and so dangerous a rule as I know this to be for no better reasons than those that have been advanced in its favor.

The SPEAKER. The time of the gentleman has expired.

Mr. HOBSON. Mr. Speaker, will the gentleman from Pennsylvania yield to me for a question?

Mr. DALZELL. Yes.

Mr. HOBSON. Whether it will be possible in case this resolution should carry to amend the appropriation bills?

Mr. DALZELL. This rule——

Mr. JONES. No; it would not be possible to do that.

Mr. DALZELL. This rule does not affect the character of the existing rule at all.

Mr. HOBSON. I wish to ask another question—whether the sundry civil appropriation bill contains a provision for the fortification of the Panama Canal.

Mr. DALZELL. I can not answer that. I do not know anything about the sundry civil appropriation bill.

Mr. FITZGERALD. Mr. Speaker, I will say that it does. Perhaps I should not say that it does, but the subcommittee included those provisions.

Mr. HOBSON. Will the gentleman from Pennsylvania give me three minutes?

Mr. DALZELL. Mr. Speaker, I yield to my colleague on the committee, the gentleman from New York [Mr. FITZGERALD]. How much time does the gentleman want?

Mr. FITZGERALD. I would like to have five minutes myself, and then 13 minutes additional are asked on this side.

Mr. DALZELL. Oh, I can not yield that much. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, perhaps I should say to the gentleman from Virginia [Mr. JONES] first, that the sundry civil appropriation bill was passed 25 years ago under a suspension of the rules moved by a very distinguished Democrat, Mr. Randall of Pennsylvania. That is one of the two precedents cited by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. JONES. I beg the gentleman's pardon. The gentleman did not cite that at all.

Mr. FITZGERALD. I decline to yield, and I insist that the statement is accurate. That is one of the two occasions when the sundry civil appropriation bill was passed under suspension of the rules.

Mr. JONES. That is not one of the precedents cited.

Mr. FITZGERALD. Mr. Speaker, I insist that the gentleman do not interrupt. He not only had some time of his own, but some of the time of the gentleman from Alabama [Mr. UNDERWOOD], and would not even permit him to ask a question in that time.

I am not in favor of passing the appropriation bills under suspension of the rules. About three hundred millions of dollars are still to be appropriated in those bills, and I would not support a rule permitting them to be passed under suspension, requiring only a majority vote. Under this rule, if adopted, if an attempt be made to pass appropriation bills under suspension, it will be possible for this side of the House to insist that all legislation of an objectionable character be eliminated from them before they are put on their passage, or this side can easily take the responsibility for defeating the bills under that procedure. I favor this rule particularly, Mr. Speaker, because it will enable this House to curb the irritating and objectionable and dilatory practices of the gentleman from Illinois [Mr. MANN]. [Applause and laughter.]

When this rule is adopted it will be possible to pass the war-claims bill under suspension of the rules, and to those gentlemen who are interested in that rule I might add that unless recognition be given to pass that bill at the outset under this rule, there are enough votes on this side of the House to prevent the passage of any other bill under the rule. The power to pass that bill is secured to this side of the House. In the second place, under the rule which was adopted and which was expected to work satisfactorily, and would have worked satisfactorily had it not been for the activity of the gentleman from Illinois [Mr. MANN], after the unanimous consents are disposed of on Monday, if we have Monday as a legislative day during this session, the motions to discharge committees will be in order, and under the previous determination of the House no other business can intervene. It is apparent that under existing conditions the gentleman from Illinois will insist upon taking up the motion to take from the Committee on the Post Office and Post Roads the bill codifying the postal laws, and if that be done another day will be wasted to accommodate his desire to effect efficient, useful, and beneficial legislation. [Laughter.]

Now, this rule will enable the House to circumvent the opposition to the war-claims bill and also prevent time being wasted with the motions to discharge committees in the shape in which it now is. When it comes to pass appropriation bills under this rule, Mr. Speaker, that side of the House will have to put those bills in such shape as will be satisfactory to this side of the House. I shall not, so far as I am concerned, vote to pass those bills if they contain legislation which is objectionable to this side, or if they propose to carry appropriations for the support of the Government during the next fiscal year in sums not justifiable under all circumstances. Under such a rule as this it will be possible for the House to pass, under the conditions that exist, bills probably a little better than the majority would be willing to have them. I may say to the gentleman from Alabama [Mr. HOBSON] that while the Committee on Appropriations has not considered the sundry civil bill thus far, that the subcommittee has finished its work, and in that bill there is provision for appropriations for the fortification of the Panama Canal in such sum as the committee, after a careful investigation, believe could be expended economically during the coming fiscal year.

Mr. HOBSON. The gentleman would not desire to state the amount?

Mr. FITZGERALD. I should prefer not, because the committee may change the amount, but there is, in my opinion, all the money that can possibly be expended in one fiscal year, and that is all that is customary for the committee to give at a time, even though some departments ask for a larger amount. One item in the bill to which I am particularly opposed, and I believe this side of the House will insist shall be eliminated, is an item to carry appropriations for the use of the so-called tariff board not only for the next fiscal year, but for the next two fiscal years, an indefensible proposition, which should not be tolerated. The rule now under consideration makes the motion to suspend the rules in order during the remaining 12 days of the session. It is in order during the last six days, and I believe it advisable to extend the period now because of the condition of business in the House.

Mr. BENNET of New York. Mr. Speaker, as a member of the majority, I have always in the past voted for even more drastic rules than this, because I believed and still believe that it is the right of the majority to adopt such rules as are necessary for the transaction of business which the majority desires. Now I am a member of the minority and as a member of the minority of this particular coalition I shall vote as the minority always votes—against this drastic, rigid, gag rule—and I want to say to both sides of the House that I shall never here nor hereafter go before the people of my district, or any other district, and talk about Dalzellism or Claytonism or Underwoodism, and, if I had the opportunity, which is not yet afforded, Clarkism, who was yielded time——

Mr. CLAYTON. May I suggest to the gentleman from New York that he had better not talk about Bennetism, because that beat the gentleman for Congress?

Mr. BENNET of New York. Mr. Speaker, I decline to yield. During the past two days I have exercised my rights under the Constitution and the rules of this House. I agree with the somewhat pathetic statement of the gentleman from Illinois [Mr. MANN], which he made before he got what he wanted, that he had had only his rights. We have had our rights, but we will have to state that if you pass this drastic rule you wipe us off the legislative map.

But I want to say to the gentlemen on that side who by their vote struck out the enacting clause of the bill S. 7971, and thus defeated, for this Congress at least, the overtime claims of the union-labor men in the navy yards of this country and are now attempting to pass a bill containing war claims which interest only themselves, that H. R. 32767 will not become a law at this session of Congress unless both the French spoliation claims and the claims of those union-labor men in my district and other districts are a part of that bill. And I want to say, further, that surely in vain the net is spread in the sight of any bird. You gentlemen may save your faces by voting for this rule. And then, if my colleague from New York [Mr. FITZGERALD] is correct—and the Speaker recognizes some gentleman who moves to suspend the rules and pass a private bill; talk about going to extremes! I have been here only six years, and in that time I have never seen, at the request of a Republican, a bill on the Private Calendar taken up for passage under suspension of the rules.

As I say, the gentlemen on that side may save their faces with their constituents by going on record in favor of this bill to pay war claims, but so far as any money going to their constituents is concerned, it will not go in this bill unless there goes with it a class of claims equally deserving, approved by the court in every instance, and I refer to the claims for the union men who work in the navy yards in my district and the district of my friend from New York [Mr. CALDER], and the other districts, the ones in Virginia, in South Carolina, in Louisiana, in New Hampshire, and other places, and also the French spoliation claims, as to the justice of which there has been a decision not only as to the facts, but as to the law by the Court of Claims.

So go ahead. Roll the steam roller over the few of us that stand up in this House for the rights of union labor. [Laughter and cries of "Oh!"] Once again tread, as this House has trod

before, upon the rights of the men who earn their daily living by the sweat of their brow, by daily labor, and have the temerity to belong to labor unions. This majority has the votes. Do it! [Applause and laughter.]

Mr. CLAYTON. The gentleman is correct. You have been obstructing business here for three days, and we are going to run the steam roller over you.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, whatever may be responsible for the condition that now confronts this House does not change in the slightest that condition. This rule presents to the membership of this House, in my judgment, the only possibility for really considering appropriation bills. This rule, instead of making necessary the passage of the great supply bills under suspension, presents the only possible method that I know of now whereby those bills may be passed, not under suspension of the rules, without we have an extra session.

As well stated by several gentlemen, the rule does not require the passage of supply bills under suspension, nor does it permit their passage by a majority vote—it gives to the minority a veto every time the proposition is made to suspend the rules—but it does do this: It enables us to take those minor matters—matters in regard to conference reports, matters in regard to small questions—that in the past have frequently used up two and three hours, sometimes a day, and debate and pass them under suspension of the rules with a maximum of 40 minutes' debate, and thereby, by cleaning up these minor matters in little time, leave more time for the consideration of the big supply bills.

Mr. JONES. Will the gentleman yield?

Mr. SHERLEY. I will not yield.

Mr. JONES. For just one question?

Mr. SHERLEY. I will not yield. I further say that I would not be willing, under present conditions, to vote to suspend the rules and pass the great sundry civil bill—a bill, more than any other, that requires the careful consideration of the membership of this House—but I am willing for a method to be provided whereby we can dispose of less vital matters in a quick way and so have time for the big ones. For that reason I favor this rule.

But while I am speaking to the rules, I desire to call the attention of the House to this fact, that if you had now in the rules a method whereby you could make the Committee on Rules responsive to the will of a majority of this House, you would not have had to filibuster for three days and then accomplish practically nothing. If you had adopted a real method whereby you could bring in at the will of a majority a rule not simply to discharge a committee—which in a short session is valueless, because when you put a bill on the calendar you frequently have not time to reach it—but if you could bring in a rule whereby you could make any matter a special order when the majority of the House wanted it, then it would not be in the power of the gentleman from Illinois [Mr. MANN] or any other gentleman for three days to defeat the will of the majority of this House; and it is that sort of a liberalization of the rules that I desire.

As I stated once before on the floor of this House, we shall not get any relief from the system simply by changing the personnel of those who are to administer the system. You do not change the power of the Committee on Rules simply by electing them instead of appointing them. I would like to see the Committee on Rules and every other committee of this House made responsive to a majority of the Membership of this House, and I would like to see the ordinary rules amenable to amendment, when amendment is necessary, by some other method than revolution. The rules to-day do not contain any method or means whereby a majority can do away with the rules when opposed by the Rules Committee save by revolutionary methods.

Mr. CARTER. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. CARTER. If this rule were adopted, then the large appropriation bills would not be read paragraph by paragraph, and there would not be chance for points of order to be made upon them then under this rule.

Mr. SHERLEY. There would not be any chance of amendment of a bill. The remedy then would be to vote it down—the motion to amend the rules; and as such motion requires two-thirds, this side has always the power to defeat such motion.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, I give two minutes of my time to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am opposed to the adoption of this rule. The country has been educated to the belief that the Speaker ought not to have control over the legislation of this House, and all of the gentlemen on the other side of the House who are advocating the adoption of this rule have been educating the people to the opinion that it is dangerous to place so much power in the hands of any one man as this rule will place in the hands of the Speaker. When we adopt this rule there will be no power to amend a bill, and we shall have either to accept it or reject it as a whole. There are a large number of important supply bills yet to be reported, and they should, I think, be amended in many particulars. I am not willing to go before the people of the country as voting to adopt these supply bills without having had an opportunity to read them. Every Member of the House becomes responsible for his vote on every one of these bills.

The Post Office appropriation bill will, I am informed, come back from the Senate amended in many essential particulars. We should have an opportunity for a separate vote on each of those amendments. The adoption of this rule will place it beyond the power of the membership of the House to have a vote upon those amendments, and I am opposed to the adoption of this or any other rule that will take away from the membership the right to act independently upon any proposition that comes before the House.

Mr. HOBSON. Mr. Speaker, I ask the gentleman from Pennsylvania to give me three minutes.

Mr. DALZELL. I yield three minutes to the gentleman.

Mr. HOBSON. It has been a singular experience to find the gentleman from Illinois [Mr. MANN] in an attitude of mind where he would die in his tracks before he would allow a bill to pass that contained the French spoliation claims, and at the same time to find the gentleman from New York [Mr. BENNET] willing to die in his tracks if the same bill did not contain the spoliation claims, and between the two we have been inflicted with a wholly useless filibuster. I have stayed here all night in the closing hours of this session, with important legislation held up, to see a filibuster consuming the time of this House. It seems to me that, if necessary, we could stay here all night to consider business that involves the expenditure of hundreds of millions of dollars of the people's treasure. In my own committee, for instance, there have been experiments in high explosives that have taken place since our bill was reported. They indicate that for the safety of the country there ought to be some amendment involving the acquisition of a high-explosive shell. I use this as an illustration. We can spend night after night watching a filibuster, but we can not stop long enough to consider questions involving the safety of the Nation. I do not believe we ought to adopt this resolution—certainly not at this juncture—unless it be amendable, and unless the gentleman would yield to an amendment under which he would exclude its application to the great supply bills. Would the gentleman yield the floor for the offering of an amendment that this resolution may not include the supply bills?

Mr. DALZELL. The gentleman would not. I yield to the gentleman from Wyoming [Mr. MONDELL], after which I shall demand the previous question.

Mr. MONDELL. There is only one excuse, only one possible reason, for the passage of this rule, but that excuse or reason is sufficiently potent under present conditions to warrant its passage. The probability is that an extra session will be forced without this, and we all know the disastrous effect to the business interests of the country that will come with an extra session and a Democratic Congress. [Applause on the Republican side.] Therefore, while I deprecate and regret the necessity for the passage of this rule, and very greatly regret that we can not have opportunity for amendment of the great supply bills, and regret that we can not discuss the important questions that will arise in the consideration of those bills, still with an extra session of a Democratic Congress as the alternative, I shall vote for this rule.

Mr. DALZELL. Mr. Speaker, I now demand the previous question on the adoption of the rule.

The question being taken on ordering the previous question, Mr. COOPER of Wisconsin demanded a division.

The House proceeded to divide. Pending the division—

Mr. COOPER of Wisconsin. Mr. Speaker, I misunderstood the motion. I thought it was on the adoption of the resolution. I withdraw the demand for a division.

The SPEAKER. The gentleman from Wisconsin withdraws the demand.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. NORRIS. Mr. Speaker, I demand the yeas and nays.

The question being taken on ordering the yeas and nays, 31 Members rose in support of the demand.

The SPEAKER. Thirty-one Members, not a sufficient number, have arisen in support of the demand for the yeas and nays. The yeas and nays are refused.

Mr. JONES. Division, Mr. Speaker.

The House divided; and there were—ayes 173, noes 43.

SEVERAL MEMBERS. The yeas and nays.

The SPEAKER. But the yeas and nays have been refused.

Mr. JONES. Not on this motion.

The SPEAKER. Yes; on this motion.

Mr. JONES. Tellers on the yeas and nays.

The SPEAKER. But the yeas and nays have been refused. The gentleman from Nebraska [Mr. NORRIS], before there was a division, demanded the yeas and nays, and they were refused.

Mr. NORRIS. Mr. Speaker, what the Speaker states is true, but I think a great many Members understood that that demand applied to the previous question.

Mr. SHERLEY. That is their fault.

Mr. JONES and Mr. NORRIS demanded tellers.

The SPEAKER. As many as favor ordering tellers will rise and stand until counted.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker. Is it not the fact that the House always has the right to verify a vote which has just been taken?

The SPEAKER. The House is just seeking to verify this vote, if there is a sufficient number to demand tellers. As many as favor ordering tellers will rise and stand until counted. Twenty-six gentlemen have arisen; not a sufficient number. Tellers are refused, the ayes have it, and the resolution is agreed to.

Mr. LAW. Mr. Speaker, I make the following motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. LAW moves to suspend the rules, discharge the Committee of the Whole House from the further consideration of H. R. 32767, entitled "A bill for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts," and without reading pass the bill, with the following amendments:

On page 50, after line 11, insert:

"To William Baker, of Stone County, $340."

On page 57, after line 26, insert:

"To John S. Morton, administrator of David W. Morton, deceased, late of Carteret County, $350."

On page 61, after line 22, insert:

"To J. P. Matthews, administrator of Nathan Gradick, deceased, late of Richland County, $1,180."

On page 81 strike out all of lines 7 to 24, inclusive; and on page 82 strike out all of lines 1 to 6, inclusive.

On page 101 strike out, in line 14, after the word "bankruptcy," the following words on lines 14, 15, and 16, namely, "but these provisions shall not apply to payments of French spoliation claims, which shall be made as heretofore prescribed in this act."

The SPEAKER. Is a second demanded?

Mr. BENNET of New York. Mr. Speaker, I demand a second.

Mr. ROBERTS. I make the point of order against the motion of the gentleman from New York.

The SPEAKER. The point of order is overruled. This is a motion to suspend all rules.

Mr. ROBERTS. But, Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. ROBERTS. The rules of this House provide how committees shall be discharged, and yet here is a motion to discharge a committee without complying with that rule.

The SPEAKER. This is a motion to suspend all rules. A second has been ordered. The gentleman from New York [Mr. LAW] is entitled to 20 minutes and the other gentleman from New York [Mr. BENNET] is entitled to 20 minutes.

Mr. ROBERTS. If the Chair will pardon me, the rules provide how that motion shall be made, and this motion is not made according to the rules of the House.

Mr. SHERLEY. The gentleman from Massachusetts is not in order. I call for the regular order.

The SPEAKER. This motion is made under a rule of the House that has just been adopted.

Mr. BENNET of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET of New York. Under the rule just adopted, is it in order to pass the bill without reading it?

The SPEAKER. Absolutely so.

Mr. MANN. The bill has been read once.

The SPEAKER. The Chair is informed that the bill has been once read.

Mr. SIMS. It has been read twice.

Mr. LAW. Mr. Speaker, I shall not take very much time of the House in discussing this bill, for the reason that it has been under consideration directly and indirectly during the past three days, and because it has been very fully explained in the Committee of the Whole. The bill, the passage of which has been moved, is just the same as House bill 32767, except a few amendments have been offered with a view of perfecting the bill. On pages 50, 57, and 61 three small claims have been inserted which are based upon House Court of Claims findings and which were considered by the committee, but inadvertently omitted from the bill.

On pages 81 and 82 the amendment is to strike out or eliminate duplications in the bill due to a printer's error, which duplications were not in the original bill when it was introduced.

The amendment on page 101 is for the purpose of striking out the reference to the French spoliation claims, to which the gentleman from Massachusetts referred this morning. Mr. Speaker, I yield three minutes to the gentleman from——

Mr. MARTIN of South Dakota. Before the gentleman yields I would like to ask him a few questions. This bill, in its present form or in the form proposed by the amendments, will, I understand, cover over a million dollars appropriation.

Mr. LAW. About $1,164,000 in round numbers.

Mr. MARTIN of South Dakota. How many war claims are included in the bill?

Mr. LAW. Does the gentleman mean the number of items?

Mr. MARTIN of South Dakota. Approximately.

Mr. LAW. I can not say precisely, but in the neighborhood of eight or nine hundred.

Mr. MARTIN of South Dakota. Are there still numerous war claims of a like character pending before the committee?

Mr. LAW. Oh, yes; some that have been rejected by the committee and some House Court of Claims findings that have come in since the committee closed the bill.

Mr. MARTIN of South Dakota. The omnibus bill if passed will not be a cleaning up of legislation on war claims against the Government.

Mr. LAW. I will say that we have put in the bill all of the House Court of Claims findings that were transmitted to Congress prior to January 10, 1911, of which the committee approved. We eliminated a considerable number that we did not approve of. Those have not been disposed of.

Mr. MARTIN of South Dakota. Did the committee eliminate the number of claims that were favorably reported upon by the Court of Claims?

Mr. LAW. The gentleman knows that under the Bowman and Tucker Acts the court does not report favorably or unfavorably, or did not prior to the amendment of the Tucker Act at the last session of Congress, and no considerable number of findings have come in since that time. In other words, under the Bowman and Tucker Acts the court prior to this amendment had no power whatever to indulge in any conclusions or in the expression of any opinion whatever as to whether the facts constitute any legal or equitable claims against the Government of the United States.

Mr. MARTIN of South Dakota. Then all this talk upon the floor of the House about the failure to follow the judgment of the Court of Claims is idle talk, so far as these war claims are concerned?

Mr. LAW. The court renders no judgment under either the Bowman or the Tucker Acts.

Mr. MARTIN of South Dakota. And does not report the facts either favorably or unfavorably, but simply undertakes to report what the facts are?

Mr. LAW. That is correct.

Mr. MARTIN of South Dakota. As to the number of claims so reported from the Court of Claims back to Congress, how many has the gentleman's committee approved and recommended the payment of, and how many have been disapproved by the committee?

Mr. LAW. I should say that perhaps about half of those in the bill are findings of the Court of Claims under resolutions sent by either the House or a committee of the House. Of those which we have considered and which we have rejected, I should say there were perhaps in the neighborhood of 80 or 100 which we rejected, but the gentleman must be reminded that that does not represent the total number of claims that have been sent to the Court of Claims that we approved of, for the reason that a great many claims are without question sent down to the Court of Claims under the Tucker or the Bowman Acts which are never prosecuted, or there may be under the Bowman Act a simple finding of disloyalty. Loyalty is made under the Bowman Act a jurisdictional question, and if the court found a claimant disloyal the court would proceed to make no further findings in the case.

Mr. MARTIN of South Dakota. Of course the gentleman knows that when private claims come in here in individual bills the Members of the House have an opportunity to investigate as to the merits of each proposition. They are generally very thoroughly investigated, and very many of them are thrown out by the Committee of the Whole House or by the House after they have been favorably recommended by the committee, but here is a proposition to pass some hundreds of bills without any examination, so far as this House is concerned, as to the merits of any.

Mr. THOMAS of North Carolina. They have all been examined by the Court of Claims.

Mr. LANGLEY. And they have been examined by the committee.

Mr. MARTIN of South Dakota. I think the gentleman ought in his time, if possible, to give the House some information as to the merits or the demerits of this proposition that can guide us in reaching an intelligent conclusion about that.

Mr. THOMAS of North Carolina. They have all been examined by the Court of Claims, and the court has given us the information.

Mr. MARTIN of South Dakota. And absolutely no recommendation made by the Court of Claims. I may say, not desiring to be misunderstood, that I desire the Government to pay every valid war claim, but I think the House is entitled to know how we can tell between these bills.

Mr. LAW. Mr. Speaker, I must decline to yield further to the gentleman. I do not desire the gentleman to make a speech in my time.

Mr. MARTIN of South Dakota. I was not aware the gentleman was declining to yield.

Mr. LAW. The gentleman should understand that I have only 10 minutes remaining, and I must have time in which to answer his question.

The SPEAKER. To whom does the gentleman yield?

Mr. LAW. I decline to yield. I have the point in mind which the gentleman is presenting, and that is an implied suggestion on his part that these claims should be disposed of by individual bill. As a matter of fact, if that was practicable, I am inclined to think that it might be the best way to dispose of these claims, but it is not; and the gentleman knows that with all of the other classes of claims that have to be considered on the Private Calendar it would be absolutely impossible to take up these claims in individual bills. They must be considered, if at all, in an omnibus bill. I will say to the gentleman further that I realize this method puts upon the committee, perhaps particularly upon the chairman of the committee, a very large degree of responsibility, and I will say further that the preparation of this bill has involved the examination of something like 2,250 findings of the Court of Claims. I will say further to him that every one of them has been examined with great care by myself personally, and many of them which presented questions of doubt I have examined and gone over many times.

Mr. Speaker, I now yield three minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. The gentleman from New York has moved a suspension of the rules and to place upon its passage House bill 32767, with certain amendments. May I inquire is that motion amendable?

The SPEAKER. It is not.

Mr. LAW. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from New York [Mr. BENNET] is entitled to 20 minutes.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman has just made one.

Mr. HAMLIN. But I have another.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Is the gentleman seeking to be dilatory or is he in good faith?

Mr. HAMLIN. I am in good faith.

The SPEAKER. What is the gentleman's parliamentary inquiry?

Mr. HAMLIN. The gentleman from New York yielded me three minutes.

Mr. LAW. I yielded three minutes to the gentleman from New York, and I assumed he had concluded his remarks.

Mr. HAMLIN. No; but the Chair concluded them by his gavel.

The SPEAKER. The Chair will recognize the gentleman.

Mr. HAMLIN. And the Chair recognized me.

The SPEAKER. Does the gentleman from New York yield three minutes to the gentleman?

Mr. LAW. I yield three minutes to the gentleman.

The SPEAKER. The Chair was not aware that any time had been yielded to the gentleman.

Mr. HAMLIN. Mr. Speaker, my second parliamentary inquiry was simply to inquire if it was not true I am entitled to my full three minutes. Since that has been determined that is all I have to say. [Laughter and applause.]

Mr. BENNET of New York. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, I would like to have an opportunity, if I can secure it before the final vote is taken upon this bill, to offer an amendment, to insert at the end of line 16, page 44, this amendment: "To John B. Hubbard, administrator of the estate of David R. Hubbard, deceased, late of Tishomingo County, $1,500."

The reason why this claim was not included in this bill is because it is a Senate finding, and under the rules of the House committee this bill was excluded, not because it was not a just claim and ought to be paid, but because of the fact that it was referred to the Court of Claims by the Senate and was not referred by the House. The finding of the Court of Claims is very full and very complete with reference to this claim, and shows it to be absolutely just and unquestionably ought to be paid. The finding of the Court of Claims is as follows:

FINDINGS OF FACT.

I. Claimant's decedent, David R. Hubbard, was loyal to the Government of the United States throughout the late civil war.

II. During said period the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent in Tishomingo County, State of Mississippi, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of $1,500, no part of which appears to have been paid.

III. On March 10, 1892, said claim was presented to the Quartermaster General's Department, but was subsequently disallowed for lack of jurisdiction. Thereafter said claim was referred by resolution of the United States Senate to this court under the provisions of the act of March 3, 1887, commonly known as the Tucker Act.

No other competent evidence is adduced respecting the delay in the presentation of said claim.

If I can secure an opportunity before the final vote is taken I desire to offer the amendment. If I can not get an opportunity to offer this amendment here I shall try to have this claim included when this bill is considered in the Senate and shall leave no stone unturned to secure its payment. It is an honest debt against the Government and, along with other honest debts which have been adjudicated, it ought to be paid. But for the rule of the House committee excluding Senate findings, I feel sure it would now be in the pending bill. I thank you for your attention.

Mr. BENNET of New York. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PARSONS], my colleague.

Mr. PARSONS. Mr. Speaker, what I have to say is really upon a question of personal privilege. On the calendar day of yesterday, while I thought I was sleeping the sleep of the just, having left here at half past 5 o'clock in the morning, the gentleman from Georgia [Mr. EDWARDS] made some remarks in which he brought in my name. I have tried to get—I have just this moment received the original minutes; they have just been handed me, as they had to be obtained from the Government Printing Office, and I have not had time to read them—but I understand from the papers that the inquiry made by the gentleman from Georgia was as to what connection I had with a gentleman in the galleries who was stated to be a lobbyist in behalf of the French spoliation claims and who, it is said, came into the lobby reserved for Members in order to send some documents to me. Now, I suppose that Members have a perfect right in a proper way to have communication with lawyers, lobbyists, and other people in the galleries. Of course they should not invite them to break the rules.

I am told by my colleague from New York [Mr. CALDER] that there were a number of attorneys in the galleries who were interested in war claims. So far as this gentleman is concerned, who is interested in the French spoliation claims, I do not know him. I did not know him. I have never seen him. I have never talked with him, and I have never had any communication with him, directly or indirectly. I have had some letters from constituents, from New England lawyers, some whom I had known in the Harvard Law School, asking about the payment of these French spoliation claims. In answer to recent letters I had written that the bill was dead. I have never committed myself, so far as I can recall, to the payment of those claims; but in reply to letters had simply used the euphemistic

expression we are accustomed to use—that they would have my earnest consideration.

In the long filibuster that was taking place I had a chance to give them my earnest consideration. I read the statutes, I read the opinion of the Supreme Court referred to by the gentleman from New Jersey, and I read the veto of President Cleveland. I looked through the opinion of the Court of Claims on the test case. I became convinced that every argument that was made in favor of the southern war claims applied, a fortiori, to the French spoliation claims, because the argument made in favor of the southern war claims was that it ought to be paid out of respect to the findings of the Court of Claims, and I saw that that statute which sent the southern war claims to the Court of Claims only called for findings of fact, whereas the statute which sent the French spoliation claims to the Court of Claims called for findings of fact and conclusions of law. To be sure, they were only to be advisory, but since I have been in Congress I have come to believe that the greatest disgrace to the Government of the United States is its failure to pay the claims against it. [Applause.] I have also observed that claims get very little consideration; that this House is not a body that can judicially examine them or adjudicate upon them; and that the proper course to be pursued is, wherever possible, to refer them to some court to give us proper findings of fact and conclusions of law; and when the court has done that and has reported that the claims ought to be paid, whether by way of judgment or merely by way of findings of fact and conclusions of law, then we ought to respect the court and appropriate the money in accordance with the findings of the court.

Now, that was the principle on which I felt that the French spoliation claims ought to be paid. Naturally we are suspicious of any old claims. When I first came to Congress I had a suspicion of all old claims, but after I had been here awhile and found the great difficulty there was in getting any honest claim paid I felt that every claim had to be judged on its merits.

Now, I would like to ask the gentleman from Georgia if——

The SPEAKER. The gentleman's time has expired.

Mr. BENNET of New York. I yield to my colleague three minutes more.

Mr. PARSONS. I appreciate the courtesy of the gentleman from Georgia [Mr. EDWARDS] and my colleagues from New York [Mr. BENNET and Mr. GOULDEN] in having excluded from the RECORD what took place yesterday. However, in order that my connection with the matter may be entirely clear, I ask unanimous consent to extend my remarks in the RECORD by appending to them what actually was said upon the floor in connection with the matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following are the remarks referred to:

Mr. EDWARDS of Georgia. Mr. Chairman, I feel somewhat out of place here on this holy day, and I presume all of the Members of the House feel very much as I do. Under the parliamentary status it is true that this is still Friday, but it is nevertheless Sunday, as the calendar day. It marks a sad day in the history of this country when the Congress, the great law-making body of this country, has to encroach upon the Sabbath to transact the business of the country and of the Congress. And to think, Mr. Chairman and gentlemen, that this is brought about and caused on account of the filibuster of a few gentlemen who are not so much opposed to the justice of this bill, or to the justice of these war claims, as they are in favor of some other claims, the French spoliation claims, which were stricken out of this bill here last night on motion of the gentleman from Illinois [Mr. MANN]. For awhile, Mr. Chairman and gentlemen, I could not help feeling somewhat aggrieved at the gentleman from Illinois [Mr. MANN] on account of the filibuster that he was conducting, but when it became apparent that the gentleman from Illinois was conducting a filibuster to strike from this bill the French spoliation claims and came over as our ally and friend. I then saw through the whole plot, the whole scheme. But, lo and behold, the filibuster was then taken up on the other side of the House by other gentlemen who were pressing the French spoliation claims, and who urge naught against the fairness and justice of these southern war claims. Mr. Chairman and gentlemen, not only does the fact that we are transacting the business of the country on the Lord's Day, mark a sad day in the history of the country, but last night there sat in this gallery a man who was referred to as a lobbyist in the interest of the French spoliation claims.

And that same man, when the gentleman from North Carolina [Mr. KITCHIN] was making his great speech against the French spoliation claims, was seen here almost in the doors of this Hall trying to slip data and facts into the hands of one of these gentlemen on the other side who is aiding in conducting this filibuster. I ask, What is the connection, if any, between that man and the gentleman from New York who is aiding in conducting this filibuster?

Mr. BENNET of New York. Will the gentleman yield?

Mr. EDWARDS of Georgia. I will.

Mr. BENNET of New York. Does the gentleman have any reference to me?

Mr. EDWARDS of Georgia. I do not.

Mr. BENNET of New York. Thank you.

Mr. EDWARDS of Georgia. I will tell the gentleman who I refer to if he will rise in his place and ask me. I have in my hand the very book that this man, Mr. Scattergood, the representative of the insurance company, had in his hand trying to sneak it into the House and into the hands of a gentleman of this House.

Mr. GOULDEN. Mr. Chairman, if the gentleman will allow me, I am from New York, and I would like to ask who the gentleman is that he refers to?

Mr. EDWARDS of Georgia. I will answer. My information, derived from a good source, is that the gentleman from New York is Mr. PARSONS. I have the book in my hand; and it was a Democratic Member of the House, the gentleman from Illinois [Mr. FOSTER], who discovered and ordered away from here that lobbyist sneaking to the door of this Chamber trying to send this literature in to the gentleman from New York [Mr. PARSONS].

On the floor of this House last night the gentleman from Kansas [Mr. CAMPBELL] referred to the southern war claims bill as a "pork barrel." How in the name of God can the people of this country respect us if we do not respect ourselves?

It marks a sad day in the history of this country when the very Halls of Congress are visited by lobbyists; when we are compelled to transact the business of the country on the Lord's day; and when we are compelled, Mr. Chairman, to see the will of the majority of the House thwarted by a few gentlemen who have a private interest at stake. [Applause.]

Mr. PARSONS. Now, I would like to ask the gentleman from Georgia [Mr. EDWARDS] if he has any questions he wishes to ask me, because I wish to answer anything that may occur to him and clear up this matter completely.

Mr. EDWARDS of Georgia. I will not ask the gentleman any questions. The gentleman from New York [Mr. BENNET] has kindly yielded to me two minutes.

Mr. BENNET of New York. I yielded to the gentleman from Georgia [Mr. EDWARDS] two minutes and such time of my colleague as may be remaining.

The SPEAKER. There are just two minutes of it remaining.

Mr. EDWARDS of Georgia. Mr. Speaker, in justice to the gentleman from New York [Mr. PARSONS] and the membership of this House, and to myself, I wish to submit only a few remarks.

Mr. PARSONS. I just wish to say that while I was sitting here, after I had asked the gentleman from North Carolina [Mr. KITCHIN] some questions, one of the officials of the House brought me a document and said somebody sent it to me. I told him I did not want it. My recollection is that a second time a document was sent to me, and I said I did not want it, and I did not take either of those documents, and I did not look at them. Frankly, I resented receiving any suggestions in the matter. I presume that those came from this gentleman to whom the gentleman from Georgia [Mr. EDWARDS] referred.

Mr. EDWARDS of Georgia. Mr. Speaker, it is far from my purpose to do any gentleman of this House or anyone else an intentional injustice. While Mr. KITCHIN, of North Carolina, on Saturday night was delivering his speech against the French spoliation claims, Mr. SHACKLEFORD, of Missouri, made the remark in the House, when Mr. KITCHIN was referring to the lobby that had been conducted in favor of the French spoliation claims, that in the galleries there sat a lobbyist, and the further remark that he had been hanging around there in the interest of these claims for a great while. Later in the evening I was informed by a Member of the House of good standing, one of the most reputable men in this House, that in passing through the Speaker's corridor, back there, he had come face to face with the man who had been pointed out as having been sitting in the gallery as a lobbyist, and he had pointed his finger at the man and asked him the question, "Are you the lobbyist referred to?" And the man, in reply, "beat" it out of the corridor in a run. I have investigated the matter and have ascertained these facts, that that man came to the door of the Members' retiring room, here in the corridor, and was asking for a page, wishing to send some message into the House. Mr. Hoppins was the man in charge of the door at the Speaker's corridor, and for the moment, I understand, he was called away, and while he was away this man Scattergood, who was the representative of these insurance companies, had come into the Speaker's corridor, and when the doorkeeper, Mr. Hoppins, came back into the corridor the man told him, "Here, quick; take this document to Mr. PARSONS."

Mr. Speaker, I ask for one minute more.

Mr. BENNET of New York. I yield one minute more to the gentleman from Georgia.

Mr. EDWARDS of Georgia. I understand the man said to Mr. Hoppins, "Here, quick; take this document to Mr. PARSONS." That was during Mr. KITCHIN's speech. Now, I did not intend to say a word to the effect that Mr. PARSONS had any knowledge that this data was coming to him or that he had knowledge of an attempt being made to send it to him, but the facts I asserted on the floor of the House yesterday are the facts that I assert here to-day, and I want to reiterate the statement that I for one am not only in favor of excluding lobbyists from the Speaker's corridor, but of excluding them also from the gallery of the House. I say, Mr. Speaker and gentlemen, that I do not wish to cast any reflections upon Mr. PARSONS. I had intended, and do now intend, to do due justice

to him, and I do not wish to give the impression that he knew that this document was being sent to him.

The SPEAKER. Will the gentleman indulge the Chair, by unanimous consent, not in his time? What does the gentleman means by the "Speaker's corridor?"

Mr. EDWARDS of Georgia. This corridor in the rear.

The SPEAKER. Out by the retiring room, inside the door?

Mr. EDWARDS of Georgia. Yes; inside the door.

The SPEAKER. Does the gentleman know what official admitted him?

Mr. EDWARDS of Georgia. No; I do not.

The SPEAKER. The Chair desires to say, in the first place, that the House was not in session, as the Chair understands, but the Committee of the Whole House was in session.

Mr. EDWARDS of Georgia. That is a fact.

The SPEAKER. And it is so easy to say "in the Speaker's corridor," the Chair is of the opinion that he does not need any defense from any imputation that might be drawn from the gentleman's remarks [applause], but he thought proper that it should go into the RECORD that the Speaker's corridor, under the rules of the House, is reserved for the Members of the House, and if those rules have been violated the Speaker and the Chair believes that no Member of the House is responsible for their violation.

Mr. BENNET of New York. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eight minutes.

Mr. BENNET of New York. Mr. Speaker I desire in a moment to congratulate the Speaker of this House upon the great tribute that has been paid to him to-day by the House. For months the country has rung with denunciations of "Cannonism," but to-day, by a vote on both sides of this House, so large that there could not be obtained against it either the yeas and nays or tellers, the membership of this House, Democrats and Republicans, have shown their confidence, and I am proud to say their justified confidence, in the Speaker of this House, by placing in his hands—for he alone has the power of recognition—for the remaining 12 days of this session the absolute right to say what shall come and what shall not come before the House of Representatives.

Now, Mr. Speaker, so far as the bill itself is concerned, I shall vote for it. I voted for 20 hours, under the leadership of the gentleman from Illinois [Mr. PRINCE], the gentleman from Virginia [Mr. CARLIN], the gentleman from North Carolina [Mr. THOMAS], and the gentleman from Tennessee [Mr. SIMS]; when suddenly, at 3 o'clock in the morning, they found themselves generals without an army. They remained with those of us who had been loyally supporting them, on this side of the Chamber, but their army deserted and enlisted under the then victorious banner of the gentleman from Illinois [Mr. MANN]. They deserted, but I shall remain consistent. I voted for these war claims during those 20 hours; that is, I voted to bring them before the committee. They are good, honest, just claims which ought to be paid. I will vote for them now, although I voted during those same 20 hours to get before this House for consideration the claims of the union labor men in the navy yard in New York, the navy yard in Norfolk, the navy yard in Charleston, the navy yard in New Orleans. I also voted to bring before the House the French spoliation claims, equally just; and an additional reason why I vote for this bill now is that the only chance that remains to pass or to consider the claims of these union labor men in the navy yards, and the French spoliation claims, is to pass this bill here, have it passed in another body with these matters added, and have it come back here so that the House may vote to concur in the Senate amendments. It is a very slight chance, amounting to very little, but small as it is, I intend to stand by these union labor men as well as the southern war claimants, and the French spoliation claimants until the last.

If I have any time remaining I yield it to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] has five minutes.

Mr. MANN. Mr. Speaker, I only want a minute. I have no intention of replying to the various statements which have been made where "the gentleman from Illinois," meaning myself, has been referred to, but in the interest of proper history I wish to give credit where credit is due. The gentleman from New York [Mr. BENNET] just referred to certain gentlemen on the other side of the House possibly following my lead. In one way that might be true, and yet what I did in the way of offering motions was based upon practically the unanimous consent of the committee at that time, after listening to the powerful argument of the gentleman from North Carolina [Mr. KITCHIN]; and if there is any credit due in reference to changing the bill that is before the House and striking out the French spoliation claims, it is due to the masterly statement of the gentleman from North Carolina.

Mr. LAW. I yield two minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, judging from what has been said here to-day it might be inferred that some gentlemen think it is hardly creditable for a Member of the House to confer with attorneys who are employed in these cases. If there have been any lobbyists here in support of them I have not seem them. I know nothing about that, and care nothing about it. I do wish to say, however, that I have frequently conferred with different attorneys here in Washington who represent claimants in my district, and I want to make this public acknowledgment of my indebtedness to them for the great assistance they have rendered me in preparing these cases for submission to the Committee on War Claims, as well as for other aid I have received from them in the earnest efforts I have made to get favorable consideration of the many meritorious claims against the Government from my district; and I want to say further that I question the wisdom of the legislation which has been proposed, the effect of which would be to interfere with the right of contract between claimants and attorneys in these cases. I know from my own experience that there is a great deal of work involved in the prosecution of these claims, and while I am as much opposed as anybody to exorbitant fees, and some have been exorbitant, I think that question can be safely left to the contracting parties.

I am glad to hear the gentleman from New York [Mr. BENNET] say that he will vote for this war-claims bill, even though the French spoliation claims, in which he was more directly interested, were stricken out. I admire that spirit in the gentleman from New York. I am glad to say that I have never possessed the "dog-in-the-manger" spirit. I stayed here all day Friday and up to adjournment Friday night, and all day Saturday and all Saturday night and most of the day yesterday—Sunday—and that, too, against the advice of my physician [laughter and applause], aiding in the effort that was being made against obstructive tactics to protect the honor of this Government and bring about the payment of these just claims, the payment of which has been so long and without just cause delayed. It is true what the gentleman from North Dakota [Mr. MARTIN] and other gentlemen have contended that the Court of Claims has not rendered a judgment in these cases, but I agree with what the committee says in its report:

> The same considerations which make it imperative upon Congress to appropriate to pay final judgments of its courts should dictate the line of policy to be adopted with regard to findings of fact under the Bowman Act.

As I have said before in this debate, there are but few claims in my district included in this bill. Many more of them ought to be included in it, but I am not going to vote against it because it does not include all that I wanted in it. I favor the French spoliation claims and the navy-yard overtime claims for the same reason that I am favoring this bill, and that is that the tribunal created by Congress for the purpose has made findings which, in my judgment, make it obligatory upon Congress to pay all of these claims. I would vote for this bill even if it had none of the claims of my district in it, because I think it would be my duty to do so. I vote for it, of course, with greater pleasure because it includes some claims from my district. Since I can not get all that I think my district is entitled to now, I will take what I can get now and go after them again. [Applause.]

Mr. LAW. I yield to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, last Saturday night the House had under consideration Senate bill 7971, which was reported to the House with an amendment striking out the French spoliation claims, and the chairman of the War Claims Committee had had read and pending an amendment to said Senate bill which was in substance and effect the pending bill now under consideration as an amendment to said Senate bill 7971. This was clearly understood and referred to repeatedly during the long and continuous session covered by the unjustifiable filibuster against the war claims bill. It never was proposed during all this filibuster by any member of the Claims Committee nor by anyone else to pass at any time during the period covered by this filibuster, the French spoliation claims. Some gentlemen were fearful on account of what the chairman of the Claims Committee [Mr. PRINCE] had said as to his personal views of the French spoliation claims, that the committee on conference, if the Senate bill was passed here, would tack

on by way of conference report the French spoliation claims. This anticipation of the possible action of a possible conference committee alone could have been urged as the sole reason for the inexcusable filibuster. The only proper or sensible way to have treated the question of such possible action was to have waited until such possible action was had. There was no sense in crossing that bridge until we got to it. In all probability we would have never had to cross any such bridge, and if we had reached such a bridge the House would have rejected the French spoliation claims then, as it was proposed to do when the Senate bill was called up for consideration last Saturday morning.

Mr. Speaker, it is true that most or nearly all of these claims will be paid to owners and beneficiaries resident in the South, but that does not militate against the justness of the claims, nor is it any reason why payment should be longer deferred, for the war is over and a court of the United States has solemnly declared these claims to be honest and still due by the United States. Mr. Speaker, let us pay them now.

Mr. Speaker, I am glad that after three days and two nights the House has at last been able, under a special rule, such as was proposed in the resolution I offered last Saturday night, to pass this bill. I am glad that the Committee on Rules voluntarily brought in the special rule enabling the House to conclude the consideration of and pass the pending measure. It has been evident for some three days that the House wished to do this.

Let me state briefly what this measure is. The war claims embraced in this bill, as it is proposed to be amended, is for payment of certain claims reported by the Court of Claims and recommended for appropriation by the Committee on War Claims, and the total amount of these claims is $1,166,097.23. And the items making up this total are as follows: Claims of churches, for use and occupation of their buildings during the Civil War, $377,174.08; of Masonic lodges, $8,780; of Odd Fellows' halls, $1,250; of medical colleges, $4,200; of almshouses, $21,000; of seminaries and academies, $23,174; and for stores or supplies to the United States Army, $475,123.04; for claims of United States officers and United States soldiers, for services, and so forth, $255,396.

Mr. LAW. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. PEARRE].

The SPEAKER. The gentleman has four minutes.

Mr. PEARRE. Mr. Speaker, I am glad that after much tribulation the House is about to reach a vote on these claims—claims, Mr. Speaker, which I will not have time in the limited time at my disposal to discuss, but which have all been passed upon by the Court of Claims, a court established for the purpose of investigating these claims and establishing the loyalty of the claimants and ascertaining the amount actually due; claims, Mr. Speaker, which the President of the United States says he hopes without further delay will be paid.

The President, in his message of 1910, said, feeling that this was a matter of sufficient importance to which to direct the attention of the Congress of the United States:

> I invite the attention of Congress to the great number of claims which, at the instance of Congress, have been considered by the Court of Claims and decided to be valid claims against the Government. The failure of Congress in the payment of money due on claims injures the reputation of the Government as an honest debtor, and I earnestly recommend that these claims, which come to Congress with the judgment and approval of the Court of Claims, be promptly paid.

Mr. Speaker, there is no argument that I can understand that an honest man can make against the merits of these claims.

Mr. Speaker, I can understand that an argument can be properly made by gentlemen who want to save money to the Government, but the President of the United States is on record as saying that the Government can no longer honestly defer the payment of these claims. Mr. Speaker, if any individual in the United States, any citizen in the United States, would be so dilatory in recognizing and paying claims of this character he would be thrown into bankruptcy, or if he had any property a judgment would be had against him, such as the judgment rendered by the Court of Claims in these cases, which would be followed by an execution and the money paid.

Mr. Speaker, I am in favor not only of the overtime claims by employees of the navy yards, but the French spoliation claims, which have also been passed upon by the Court of Claims, and in which 660 loyal people in the State of Maryland are interested. I am also in favor of the payment of these war claims, about forty-odd of which are embraced in this bill and which will tardily recognize the justice of claims of citizens of the loyal State of Maryland against the Government of the United States.

I hail the time, Mr. Speaker, that the plain people of the United States are going on record through their Representatives as being in favor of discharging the honest and long-delayed claims against the Government of the United States. [Applause.]

Mr. LAW. Mr. Speaker, I call for a vote.

Mr. CANDLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CANDLER. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANDLER. Can I at this time offer an amendment to the bill? If so, I would like to offer the amendment that I have sent to the desk.

The SPEAKER. The bill is not amendable under this motion. The question is on suspending the rules and passing the bill.

Mr. CAMPBELL. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Kansas demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. [After counting.] Sixteen gentlemen have arisen, not a sufficient number; and the yeas and nays are refused. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

The question was taken; and two thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 31856) making appropriations for the District of Columbia, disagree to the Senate amendments thereto, and ask for a conference.

The SPEAKER. Is there objection?

Mr. COX of Indiana. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill a question or two.

The SPEAKER. Does the gentleman yield?

Mr. GARDNER of Michigan. Certainly.

Mr. COX of Indiana. I have not the bill before me, but I can possibly designate the questions I desire to propound by the nature of the language in the bill. I find that the Senate has placed an amendment in the bill to purchase what is known as the Carpenter tract of land.

Mr. SIMS. Two different tracts of land.

Mr. COX of Indiana. One hundred and twenty-odd acres of land for some $200,000. I do not want to absolutely bind the gentleman to what he will or will not do in conference, but I would like to know whether or not, before he yields on that, he will return the bill to the House and give the House a chance to vote upon it. It is an important matter and never has been considered in this House, as far as I know, and I find considerable opposition to it among people in that section of the country—opposition to the purchase of this piece of property. That not having been considered in the House, and being a very important matter, involving several thousand dollars, I would like to know whether or not the gentleman in charge of the bill, before he yields in conference, will return to the House and give the House a chance to vote upon it after some discussion has been had.

Mr. GARDNER of Michigan. Mr. Speaker, I have not been appointed as one of the conferees as yet, and I do not know that I shall be, but I would say the point in question was not raised in the House Committee on Appropriations.

Mr. COX of Indiana. Not at all.

Mr. GARDNER of Michigan. We know nothing about it so far as we are officially concerned. I can not speak for the conferees. I can only say now that my inclinations are thoroughly against the incorporation of that item in the bill, and have so advised parties who have visited me concerning it.

Mr. COX of Indiana. I am very glad to hear the gentleman say that. There is another item that I have not the number of, which was placed on the bill in the Senate, and that is for the purchase of what is known as the Klingle Ford tract of land. I believe it is proposed to buy 30 acres adjacent or near to Rock Creek Park for $300,000—a stupendous amount of money for a small tract of land. I would like to have the gentleman indicate his opinion on that.

Mr. GARDNER of Michigan. I believe that matter was gone into pretty thoroughly by the House committee, but was not incorporated in the bill.

Mr. COX of Indiana. It has never been considered on the floor of the House, has it?

Mr. GARDNER of Michigan. No; it was not incorporated in the bill, and so it could not be considered.

Mr. COX of Indiana. I do not want to take up any time uselessly by objecting to this bill, but I want to say to the gentleman that I am opposed to that item for the time being. Pos-

sibly after a full and fair discussion I may change my views. If I have some assurance that that would not be yielded to in conference, but that it will be returned to the House for discussion, I shall not object.

Mr. DOUGLAS. Will the gentleman yield?

Mr. GARDNER of Michigan. Yes.

Mr. DOUGLAS. I will say the bill has not been printed and I understand is only upon the Speaker's table, so I have not been able to obtain a copy of it. I would like to know what the Senate provision is or is not with reference to the matter which we discussed here of the location of the penal institution down the river.

Mr. GARDNER of Michigan. The Senate bill carries out the spirit of the House action completely.

Mr. SIMS. What about the letter?

Mr. GARDNER of Michigan. The letter will follow the spirit.

Mr. SIMS. I hope so.

Mr. GARDNER of Michigan. In this case the letter does not kill while the spirit makes alive.

Mr. SIMS. Alive what—that provision?

Mr. FOSTER of Illinois. I desire to ask the gentleman if he is willing to permit a vote of the House on the increase of the salaries of the District Commissioners.

Mr. GARDNER of Michigan. The District officials?

Mr. FOSTER of Illinois. The increase of the salary of the District Commissioners.

Mr. GARDNER of Michigan. I think so, I would be willing for the House to vote——

Mr. FOSTER of Illinois. Without agreeing to it in conference.

Mr. GARDNER of Michigan. Personally I have no objection to the House voting on that. I want to say to the gentleman, to be entirely frank with him, personally I am still thoroughly convinced that it is the right thing to do. The increase ought to be made.

Mr. FOSTER of Illinois. Well, we can settle that by a vote in the House. We can settle it in the matter of the Senate amendment.

Mr. GARDNER of Michigan. I am very clear in that, and I have no hesitancy in expressing myself.

Mr. COX of Indiana. Now, the gentleman has been very frank in the two propositions put to him, but I do not believe he has yet answered my query as to what his attitude would be on the Klingle Ford proposition.

Mr. GARDNER of Michigan. The gentleman from Texas [Mr. BURLESON] I assume will be one of the conferees, and he and I are agreed on this—I can not speak for the other member of the committee—that before we agree upon it we will bring it back for an expression of the House.

Mr. FOSTER of Illinois. The increase of the salary of the commissioners——

Mr. COX of Indiana. And the Klingle Ford and the Carpenter tract.

Mr. BURLESON. I think we can get rid of it before we come back to the House.

Mr. FOSTER of Illinois. How about the increase of the salary of the commissioners?

Mr. BURLESON. I am heartily in favor, but I am perfectly willing to bring that back and let the House pass on it.

Mr. GARDNER of Michigan. Mr. Speaker, I think the catechetical class has concluded its exercises.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The Clerk will read the names of the conferees.

The Clerk read as follows:

Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON.

PERMANENT MANEUVERING GROUNDS AND CAMPS OF INSPECTION, ETC.

Mr. MOON of Tennessee. Mr. Speaker, I move to take from the Speaker's table House joint resolution 146 and concur in the Senate amendment thereto.

The SPEAKER. The Chair lays before the House from the Speaker's table the following House joint resolution with a Senate amendment, which the Clerk will report.

The Clerk read as follows:

House joint resolution 146, entitled "A joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camps of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park."

The Senate amendment was read.

Mr. MOON of Tennessee. Mr. Speaker, I move to concur.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that we may consider the conference report on the Indian appropriation bill (H. R. 28406) for the purpose of disposing of the three amendments which are in disagreement.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to consider the Indian appropriation bill. Is there objection? [After a pause.] The Chair hears none. What motion does the gentleman submit?

Mr. BURKE of South Dakota. Mr. Speaker, my recollection is that when the bill was postponed the other day there was a motion pending to further disagree to amendment 48, and the gentleman from North Dakota made a motion to recede and concur and I would like to ascertain if that is correct.

The SPEAKER. The conference report is agreed to, and there are three amendments in difference.

Mr. BURKE of South Dakota. I will say, Mr. Speaker, I made a motion to further disagree to amendment No. 48, and the gentleman from North Dakota made a motion to recede and concur.

The SPEAKER. The vote will be taken on the motion to recede from the disagreement of the Senate and concur in amendment numbered 48.

Mr. BURKE of South Dakota. Mr. Speaker, I am entitled to the floor. Now, Mr. Speaker, I hope that the motion offered by the gentleman from North Dakota will not prevail. This Senate amendment should under no circumstances be adopted for many reasons.

First, it is class legislation; second, it deals largely with a purely administrative matter. The purpose of the amendment is to single out certain traders upon the Standing Rock Indian Reservation in North Dakota and make it possible for them to collect accounts that they have against the Indians, and enable them to obtain from them moneys that they may receive from any source, whether in annuities or trust funds, or from whatever source. If we are going to enact such legislation as is proposed in this amendment, we may as well repeal the laws that are upon the statute books for the protection of the Indians of the country. This would simply make of the department a collection agency, and would enable certain traders who have bills against Indians, regardless of what they may be for, to obtain pay, as against other traders who may have debts that are much more entitled to be paid than the bills of these creditors.

I may say further, if this amendment prevails, it means that similar legislation must be extended to the reservations generally in the country, and if licensed Indian traders are to be given a preference in the matter of collecting their bills, then there will be legislation that will extend to every class of traders who deal with the Indians the privilege, and, as I stated a moment ago, it will only be a short time when the Indian will be without any protection whatever.

I have stated that this amendment proposes by law to do what the department already has the authority to do and is doing, with regard to debts due from Indians, and it seems to me unnecessary by law to direct what may be done administratively, and especially there can be no excuse for singling out one class of traders and legislating for them and limiting it to only one reservation. The last paragraph of the amendment is the most objectionable part of it, as the effect of it, if enacted into law, would do what I have already stated—make any moneys that an Indian might receive subject to the payment of any debt that he might owe—and would take away from him that protection that the law now gives to him as an incumbent or ward of the Government. The disposition of the Indian Office is to encourage Indians to pay their honest debts, and in order that the House may understand just what the department is doing in this respect I will make the following statement:

March 3, 1909, the Commissioner of Indian Affairs issued a circular, No. 279, discontinuing the payment to Indians of $10 monthly from funds belonging to the Indians, asserting that experience demonstrated that such a practice was not for the best interest of the Indians. It further provided that no able-bodied Indian capable of supporting himself by his own efforts may expect the consent of the office to expend such moneys in the purchase of food and clothing, and that they would only be allowed to draw such funds for the purpose of making permanent and substantial improvement on his allotment, and providing that Indians who were not capable of self-support use so much of their funds for various purposes as may be required to relieve their necessities. Superintendents were directed, in passing upon applications for the expenditure of individual funds, to ascertain and report that the purpose for which the money is desired to be expended is a worthy one.

This circular was followed by one dated March 18, 1909, No. 279 supplement, which more fully instructed agents and superintendents how to proceed with reference to applications for the expenditure of individual funds.

April 29, 1909, there was issued Circular No. 275, second supplement, in which there was a readjustment and the Indians divided into two general classes: (1) Those who are able-bodied and capable of supporting themselves and those properly dependent upon them by their own efforts; and (2) those who are physically or otherwise unable to support themselves and their families. An Indian coming within the first class will not be allowed to draw a monthly allowance or to expend any of his individual funds in the purchase of food or clothing unless it be shown to the satisfaction of the Indian Office that he is making every effort to support himself and those dependent upon him, but is not able to do so by reason of the fact that he is farming his allotment and it is impossible for him to realize anything from his labor until his crops mature, or because of the conditions of employment in other pursuits, or by reason of the fact that his full earning capacity is insufficient to provide him and those dependent upon him with the absolute necessaries of life. Said circular then sets forth how it shall be determined as to the earning capacity, and so forth, of the Indian and directing the form of report to be submitted in each case based on an application containing numerous specific questions to be answered in detail.

Upon April 30, 1909, there was issued Circular No. 279, third supplement, in which agents and superintendents were informed that on or after July 1, 1909, applications of Indians to be allowed to withdraw any of their individual moneys for the purpose of paying for merchandise, food, or clothing purchased after July 1, 1909, will not be approved without prior authority from the Indian Office. Agents and superintendents were directed to post copies of the order and to forward a copy thereof to each person doing a trading business with the Indians under the charge of such superintendents and agents.

Under date of December 17, 1909, there was issued another order approved by the Secretary of the Interior, which order is as follows:

ORDER.

Under the new method of handling funds derived from the leasing and sale of allotted and inherited Indian land, and following consistently the development of the policy begun five years ago, the Indian Office will no longer assist in the collection of claims against Indians. In section 561 of the Regulations of the Indian Office, effective April 1, 1904, persons doing business with Indians were warned that when credit is extended to them the creditor takes the risk; that no assistance in the collection of alleged claims will be given by the agent.

More recently, in Circular 279 (third supplement), promulgated April 30, 1909, further notice was given to all interested that credit accounts against Indians subsequent to July 1, following, would not be settled from funds in the custody of the Indian Office unless authority for the purchases had previously been granted through the agent.

Having thus given due notice of its intention, and basing its action on the moral ground that to extend credit to the Indian is sure to work injustice to him, this office will hereafter render no assistance, direct or indirect, to creditors of Indians in the collection of claims.

R. G. VALENTINE, *Commissioner.*

Approved, December 17, 1909.

R. A. BALLINGER,
Secretary of the Interior.

It being claimed that many traders and others doing business with the Indians had not received notice of the orders relative to extending credit to Indians, Circular No. 391 was issued under date of February 16, 1910, which circular was approved by the Secretary of the Interior on February 21, 1910, and is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 16, 1910.

Circular No. 391.

ORDER.

To all superintendents and agents:

You are directed to send to this office at the earliest possible date, not later than three months from the date of this order, the accounts or claims of all traders, licensed or unlicensed, against any and every individual Indian on your respective reservations, from the beginning down to the issuance of the order of the Secretary of the Interior of December 17, 1909. Every single item now claimed should be entered and certified and sworn to by the trader. Against each one of these claims should be entered the amount of individual Indian moneys the particular Indian now has in the bank.

The trader should swear also to his knowledge or ignorance of the original order of 1904, in which notice was given that credit accounts against Indians would not be adjusted from the proceeds arising from the sale of inherited or other Indian lands and that any credit extended was at the risk of the vendor.

In recommending accounts for subsistence and clothing the superintendent must consider and report how many persons were rightfully dependent upon the applicant for the necessaries of life during the time the account was running.

The purpose of this circular is, once for all, to make a final clean-up of past accounts through—

First. Seeing to the payment of those accounts up to 1904;

Second. Turning over to individual Indian amounts from their land funds which will enable them, if honest, to pay their just debts;

Third. Making every possible arrangement to see that every trader who has become involved through any dishonesty of Indians has a proper adjustment of his accounts, particularly if such dishonesty has been inadvertently encouraged by the attitude of the Government in sometimes withholding the Indians' money, even, in some cases, to an unreasonable degree, when perhaps they themselves would have paid their debts.

R. G. VALENTINE, *Commissioner.*

Approved, February 21, 1910.

R. A. BALLINGER, *Secretary.*

Under circular No. 391 elaborate instructions were issued under date of September 3, 1910.

There having been complaint entered that superintendents were not making reports in accordance with the orders of the department, upon December 28, 1910, there was issued circular No. 495. This circular is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 28, 1910.

Circular No. 495.

RECALLING OLD ACCOUNTS.

To all agents and superintendents:

You are directed to forward to the Indian Office within three weeks from date all claims for goods and services furnished prior to December 17, 1909, to Indians under your jurisdiction who have funds to their individual credit in the custody of the Government, these claims to be audited and submitted in accordance with office instructions of September 3, 1910. If it is impracticable to submit the claims within the time given you will report to the office the reasons for your delay and give the probable date when the claims can be submitted.

You are further instructed to submit within one month from date all other claims for goods and services furnished prior to December 17, 1909.

Copies of a warning will be sent you, to be posted conspicuously by you in a number of public places in the vicinity of the agency and elsewhere so as to vividly revive in the minds of all persons interested the policy and intention of the department regarding the extension of credit to Indians.

Careful and accurate compliance with the foregoing instructions is strictly enjoined.

R. G. VALENTINE, *Commissioner.*

I am informed by the Indian Office that it is its purpose to have all accounts audited and stated so that it may be definitely settled as to what amount is properly due from any Indian upon any reservation, but accounts accruing subsequent to the order of December 17, 1909, will not have any consideration except where credit has been extended in accordance with the regulations.

Mr. Speaker, I sincerely hope that the motion of the gentleman from North Dakota [Mr. HANNA] may not prevail and that the House will further insist upon its disagreement to this amendment made by the Senate.

Mr. COX of Indiana. Will the gentleman from South Dakota yield?

Mr. BURKE of South Dakota. Certainly.

Mr. COX of Indiana. Are there such things as licensed traders at the Indian agencies out west?

Mr. BURKE of South Dakota. Oh, yes; licensed traders.

Mr. COX of Indiana. Who gives them the license?

Mr. BURKE of South Dakota. They get their license from the Indian Department. They are simply there upon the reservation and are given certain privileges of remaining there.

Mr. COX of Indiana. What are they? Are they merchants?

Mr. BURKE of South Dakota. Yes; but there are traders, namely, merchants in the towns near the reservations, that extend credit and sell goods to the Indians that ought to have the same protection as should the trader upon the reservation.

Mr. COX of Indiana. There is no rule or regulation of the Indian Department, is there, that does prevent people from trading with the Indians?

Mr. BURKE of South Dakota. Not at all.

Mr. COX of Indiana. Then, the Indian is now at liberty to trade with whomsoever he pleases.

Mr. BURKE of South Dakota. Anywhere he likes and with whomsoever he desires. I may say that many of these claims that would be affected by this legislation are claims that accrued after a regulation was issued in regard to extending credit to Indians, and traders extended credit at their peril.

Mr. COX of Indiana. What advantage, if any, has the licensed trader over a merchant that is not licensed?

Mr. BURKE of South Dakota. The privilege of going on the reservation and trading with the Indians; in other words, building a store and maintaining a business as well as a residence upon the reservation.

I wish to make this further statement, that the department is doing everything possible to protect honest persons doing business with the Indians, and in order that there may be no claim made in the future that traders have extended credit without knowing the attitude of the department and the regulations governing the matter of extending credit, the department has caused a notice to be generally published and posted upon and in the vicinity of Indian reservations, a notice in the form of a warning, and for the information of the House I submit a copy

of a warning issued under date of December 23, 1910, which is as follows:

WARNING—TRADING WITH INDIANS.

On December 17, 1909, the Department of the Interior again announced its policy to place all trading with Indians on a cash basis by directing that no assistance whatever would be given to creditors of Indians in the collection of claims incurred after that date.

The attention of the department has been called to the fact that traders are disregarding its rules and extending credit to Indians. They are therefore warned again that the extension of credit to Indians after December 17, 1909, is at their own risk and peril, and that under the rules of the department their dealings with the Indians should be conducted on a strictly cash basis.

Violation of this rule renders traders liable to the revocation of their license.

R. G. VALENTINE, *Commissioner.*

Approved:

R. A. BALLINGER, *Secretary.*

DECEMBER 23, 1910.

I yield five minutes to the gentleman from North Dakota [Mr. HANNA].

Mr. HANNA. Mr. Speaker, I believe this Senate amendment should prevail. These men, who are licensed traders on the Standing Rock Reservation, have been there for many years. They have trusted the Indians for goods and merchandise, blankets, flour, and other things, when they absolutely had to have them, the Government at times not giving them enough to get along with. The Indians on the Standing Rock Reservation are rich. When the land was apportioned among the Indians on the Standing Rock Reservation the law gave to every head of a family 640 acres of land and the wife and the children received 320 acres of land each. So every family averages 2,000 or 2,500 acres of land, and that land is worth $25 to $30 an acre, and so the families are worth from $50,000 to $75,000. Why should the Indians not pay their debts the same as a white man that has that amount or less of property? I contend that this amendment as put on by the Senate is only just and right.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HANNA. I will.

Mr. FITZGERALD. Why do not these traders get the money when they sell the supplies to the Indians?

Mr. HANNA. Because the Indians have not the money at the time and must be trusted.

Mr. FITZGERALD. Why do they not do as other people do who are not licensed?

Mr. HANNA. I do not know that they have ever done any differently. They may have done so in some cases.

Mr. Speaker, the amendment provides that any licensed trader at the Standing Rock Agency who has a claim against any Indian of that agency for goods sold to such Indian may file an itemized statement of his claim with the Indian superintendent, and the superintendent shall forthwith notify the Indian in writing of the filing of the claim and request him to appear within a reasonable length of time, to be fixed in the notice, and present any objections he may have to the payment of the claim or any offset or any counterclaim thereto. And it then goes on to provide that out of this money which is coming to the Indian for annuities or for property sold on account of the Indian there shall be paid by the superintendent to the trader only a part of the money which is now due the Indian or that would thereafter be due the Indian until the account stated shall have been paid. These Indians not only have a large amount of land on the reservations, which they have taken as allotments and from which an income is derived, but they have a part in the funds obtained from that part of the reservation already sold or to be sold, and the tribal funds will amount to millions of dollars; and that is and will be held in trust for the Indians in the Treasury of the United States, and the interest on these funds will be paid to the Indians.

Mr. BUTLER. Will the gentleman yield?

Mr. HANNA. Certainly.

Mr. BUTLER. I understand the object of this amendment is to require the Indians to pay what they honestly owe for the necessaries of life.

Mr. HANNA. It is.

Mr. BUTLER. Is there any reason why the Indian should not pay for what is necessary for him to have?

Mr. HANNA. No; and if we do not teach them to pay their debts as white men pay them, we will necessarily be teaching them to be dishonest; and they are naturally honest.

Mr. McGUIRE of Oklahoma. Will the gentleman yield for a question?

Mr. HANNA. I will.

Mr. McGUIRE of Oklahoma. Under the practice of the Interior Department, can not that department now pass upon all the legitimate claims of these Indian traders?

Mr. HANNA. As to that I would say that the department does pass upon the accounts, but after that there should be some way to get them paid.

Mr. McGUIRE of Oklahoma. When a claim is presented and the claim is found to be a legitimate one, and no overcharge is discovered for the goods sold to the Indians, the Secretary of the Interior can direct the payment of such claim, can he not?

Mr. BUTLER. Then what is the use of the remedy proposed here?

Mr. McGUIRE of Oklahoma. That is what I am asking.

Mr. HANNA. The remedy provided by the Senate amendment is necessary. It says that out of any moneys that shall thereafter become due to said Indian by reason of any annuity or other indebtedness from the Government of the United States or for property sold by or on account of such Indian there shall be paid by the superintendent to such trader at least 25 per cent of the money that would be due such Indian and 25 per cent of such money as may thereafter become due to such Indian until the account shall have been paid in full.

Mr. BUTLER. Will the gentleman yield again?

Mr. HANNA. Certainly.

Mr. BUTLER. Has the Interior Department now authority to enforce a remedy?

Mr. HANNA. I do not understand it so.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HANNA. Yes.

Mr. STEPHENS of Texas. Is it not a fact that the Commissioner of Indian Affairs, Mr. Valentine, has already passed on about half of these traders' claims and allowed them? And is it not a fact also that he has the others under consideration at the present time?

Mr. HANNA. Some of these traders came down here themselves before the Interior Department, and they seem to have been unable to get their accounts adjusted and closed up and paid.

Mr. STEPHENS of Texas. Has not the department already adjusted a number of them—several thousand dollars' worth of them?

Mr. HANNA. A great many thousand dollars' worth of them have not been adjusted and have not been taken care of.

Mr. STEPHENS of Texas. Has he not before him the evidence by which he is able to investigate these claims, and is he not now doing so? Why should Congress take up these claims before they are fully investigated in the usual way by the department?

Mr. HANNA. It is simply to put it in such shape that the Indians will pay their debts.

Mr. STEPHENS of Texas. Is not the gentleman aware of the fact that these Indians are wards of the Nation and are not competent to make contracts with the traders or anyone else? And did not these traders know that these Indians can not make valid contracts?

Mr. HANNA. These men are licensed traders, and they are licensed by the Government to trade with the Indians. [Cries of "Vote!" "Vote!"]

Mr. BURKE of South Dakota. I call for a vote, Mr. Speaker.

The SPEAKER. The question is, Shall the House further insist on its disagreement to the Senate amendment No. 48?

Mr. BURKE of South Dakota. Mr. Speaker, I move to further disagree to Senate amendment 48.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on the other two amendments?

Mr. BURKE of South Dakota. I desire to take them up separately, and I move that the House further disagree to Senate amendment 76.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to cause patents to issue to all persons who have heretofore made settlement in good faith and for their own use and benefit on the unallotted agricultural lands in the Uintah Indian Reservation under the act of Congress approved May 27, 1902, and acts supplementary thereto, and who also have undertaken to maintain continuous residence thereon for one year, but have been prevented through lack of water, upon the payment of $1.25 per acre for said lands.

Mr. TAYLOR of Colorado. Mr. Speaker, as I understand, the motion is to further insist on our disagreement to this amendment.

Mr. BURKE of South Dakota. Certainly.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment on which there is a disagreement.

The Clerk read as follows:

Page 51, line 2, strike out "three" and insert "two."

Mr. BURKE of South Dakota. I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, I wish to make a statement on behalf of the Committee on Indian Affairs in order that the

House may be fully apprised of the enormity of the mischief that lurks in the apparently innocent amendment of the Senate.

Some years ago—to be precise, in 1891—the Colville Indians negotiated an agreement with the United States for the sale of one-half of their reservation, amounting to 1,500,000 acres. It was agreed between the Indians and the agent of the Government, that the United States should pay the Indians $1,500,000 for this area. After the negotiations were completed, the Government declined to pay the agreed price, on the ground that the Indians had no sufficient title, to the land, and therefore nothing of value to sell. But the United States did not restore the possession which it acquired under the agreement.

The Indians insisted upon their contract, but were unable to enforce it. Finding that they made no progress, the Indians employed the firm of Maish & Gordon in 1894, upon an agreed fee of 10 per cent of the recovery, to enforce collection of their claim against the Government. It was a part of the contract of employment that if it was not made effective, and recovery secured, within a period of 10 years, the contract should expire, and with it, of course, any claim for services on the part of the attorneys.

During the life of this contract the attorneys exercised a variety of activities that they claimed were in furtherance of their contract, and in aid of its execution they employed another firm of attorneys, the firm of Butler & Vale, who were associated with them upon an agreed compensation of three-fifteenths of the total fee. Later a number of other attorneys appeared, all claiming to act for the Indians. However no recovery was secured within the prescribed period of 10 years.

At the expiration of that period not only had nothing been accomplished, but thereafter there was no one authorized to appear on behalf of the Indians, in any further prosecution of the claim. In other words there was no valid and subsisting contract for further appearance, between the Indians, and any person, or persons, claiming to act on their behalf. The original Maish & Gordon contract is the only valid contract of appearance under which any one of the numerous counsel asserting claims against these Indians for services rendered, has at any time appeared in their behalf. However the firm of Butler & Vale continued to prosecute in different ways the foregoing claim, distinctly announcing that any claim for compensation, in the event of ultimate success, would be based on a quantum meruit.

As time went on, other gentlemen projected themselves into the situation, claiming likewise to appear on a quantum meruit. In 1905 the Government negotiated an agreement with the Colville Indians for the purchase of the balance of the reservation, and for that half agreed to pay them a further sum of $1,500,000. But the Indians had become wise in their day and generation, and declined to complete the negotiation unless the Government agreed to pay them the sum already due under the former contract, which was also $1,500,000. Upon this basis the parties finally agreed, and the Government as part consideration for the southern half of the reservation undertook to pay the Indians the sum agreed on originally for the northern half. The time was now ripe for the attorneys to present their claims for compensation. Congress declined to settle these claims, or to make an appropriation therefor, and decided to refer the whole matter to the Court of Claims. By an act of June, 1906, the claimants were authorized to bring suit to the Court of Claims, for the purpose of "determining the amount of compensation to be paid to the attorneys who claimed to have rendered service, in prosecuting the claim of the Colville Indians." This compensation was to be ascertained upon a quantum meruit, and not upon a contract, for no contract existed. Quite a number of gentlemen, in all about 16, appeared to assert their claims for valuable services rendered on their part.

By the terms of the statute, the court was directed to ascertain not only the aggregate fee to be charged against the Indians, but also to ascertain who were entitled to participate in this recovery, and the individual portion of each participant. Nor was this all. It was further provided that each of the claimants ascertained to be entitled to recover, should execute and deliver to the Secretary of the Interior, a receipt in full satisfaction, and discharge of "all claims and demands for services rendered said Indians in the matter of their said claims." In June 1906, subsequent to the act which ratified the agreement of 1891, providing for the payment of $1,500,000, for the northern half of the Colville Reservation, Butler & Vale filed in the Court of Claims, their petition seeking to recover the sum of $225,000. The allegations of the petition followed the jurisdictional act. Later, intervening petitions of other parties were filed, all disclaiming any valid agreement for recovery, but resting their claims in this respect upon a quantum meruit. Motions to dismiss these petitions were filed by Butler and Vale. The distribution of the entire recovery was claimed by this firm, but in the result, this claim was overruled by the court.

The court heard the evidence, and ascertained the aggregate recovery for services rendered on the part of all of the claimants, to be $60,000. This sum it proceeded to divide between the claimants entitled to recovery, in the proportions fixed by the court. It was decreed that Butler should receive $20,000, from this total recovery, and his partner Vale, the sum of $10,000. The respective sums awarded the other claimants are not of interest in this connection. The court excluded five volunteers from participation, on the ground that they had rendered no service. The judgment of the court bears date May 25, 1908. It will be noted further in this connection, that the receipts required to be furnished by the beneficiaries in the foregoing decree were duly afforded, and in this connection, and as a part of my remarks, I wish to file a copy of the receipt that was executed by Marion Butler:

WASHINGTON, D. C., *September 10, 1908.*

Whereas the act of Congress approved June 21, 1906 (34 Stat. L., 325, 378), entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1907, conferred jurisdiction on the Court of Claims "* * *" to hear, determine, and render final judgment in the name of Butler & Vale (Marion Butler and Josiah M. Vale), attorneys and counselors at law of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land," meaning lands ceded by the Indians of the Colville Reservation, in the State of Washington, by the act approved July 1, 1892 (27 Stat. L., 62), entitled "An act to provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes;" and

Whereas said act of June 21, 1906, further provides:

"That before any money is paid to any attorney having an agreement with Butler & Vale as to the distribution of said fees, each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim."

In conformity with the provisions of said act, I hereby receipt to the Secretary for the sum of $20,000, in full "discharge of all claims and demands for services rendered said Indians in the matter of their said claim," being the amount awarded to me the 25th day of May, 1908, by decree of the Court of Claims, as attorney's fees in case No. 29526, entitled "Butler & Vale (Marion Butler and Josiah M. Vale) *v.* The United States and the Indians residing on the Colville Reservation," in which the Court of Claims rendered judgment for $60,000 in favor of said Butler & Vale (Marion Butler and Josiah M. Vale) and the attorneys associated with them, in full "discharge of all claims and demands for services rendered said Indians in the matter of their said claim."

MARION BUTLER.

Witnesses:
EDWIN EDLALY,
P. O. Bond Building, Washington, D. C.
CHARLES H. MERILLAT,
P. O. Bond Building, Washington, D. C.

Under the agreement between the Government and the Indians, a balance of $300,000 is due the latter. In the Indian appropriation bill which passed this House at an earlier portion of the session, the sum of $300,000 was appropriated for the payment of this balance. In our coordinate body, an effort was made to appropriate $90,000, out of this sum, in further payment of fees to Butler and his associates. Failing in this—I believe a point of order was made against it—the House bill was later amended by striking out three, and inserting two, so as to provide that only $200,000 should be paid to the Colville Indians. This is the Senate amendment, and the effect of it is to reserve $100,000, of the money now due and owing to these Indians, for future attack by these claimants, who contend that in spite of the facts which I have recited they have some sort of moral claim to further compensation.

Mr. CARTER. Immoral claim.

Mr. SAUNDERS. I will accept the gentleman's amendment.

Mr. BUTLER. Have these gentlemen performed any services for the Indians since the time they gave these receipts?

Mr. SAUNDERS. None that I am aware of. They contend that the original contract provided for $150,000, and in spite of the fact that the Court of Claims has adjudicated their contentions, and that they have given receipts in full, they still maintain that they are entitled to an additional compensation of $90,000. But it will be noted that in the original petition of Butler & Vale, filed in the Court of Claims, this firm preferred a claim of $225,000. Deducting $30,000—or the amount paid under decree of court, they ought to demand payment of the balance of $135,000, if the claim has lost nothing of its moral aspects since their appearance in the Court of Claims.

Mr. COX of Indiana. Do I understand the gentleman to say that they were to give receipts in full?

Mr. SAUNDERS. Certainly; receipts in full, pursuant to the decree of the Court of Claims.

Mr. NYE. And they accepted that?

Mr. SAUNDERS. They accepted that, and gave their receipts. I presume they consider that in so doing, they were under some sort of duress, or coercion.

Mr. BUTLER. What, lawyers under duress? [Laughter.]

Mr. SAUNDERS. Yes.

Mr. MANN. And yet gentlemen on the floor of the House constantly express surprise when anyone questions a claim against the Government, or against the Indians.

Mr. SAUNDERS. Well, the Indian Committee is stoutly questioning this claim. I do not know anything about other claims, but the Committee on Indian Affairs certainly assails the validity of this one, and the conference committee on the part of this body, has declined to accede to the Senate amendment, and they desire to spread, as it were, upon the RECORD, the facts which I have just developed, in order that they may be strengthened in their attitude of opposition to the Senate amendment, by the positive indorsement of this House, upon full knowledge of these facts.

Mr. BUTLER. Are the House conferees likely to acquiesce in this Senate amendment?

Mr. SAUNDERS. I think most unlikely, but they wish to secure indorsement of that attitude, by this body.

Mr. STEPHENS of Texas. I desire to ask the gentleman if it is not a fact that the act of Congress submittting this claim of these lawyers to the Court of Claims stated that the amount received by them should be in full consideration of all claims.

Mr. SAUNDERS. I have already stated that the act contained that provision, and the court was directed to ascertain what was due upon a quantum meruit to all of the claimants making demands for alleged services in behalf of the Colville Indians.

Mr. STEPHENS of Texas. If that is true, is it not a fact that the matter is res adjudicata, so far as Congress can make it so?

Mr. SAUNDERS. Oh, beyond any shadow of doubt. I will say in this connection, if my memory does not fail me, that much more than $200,000, in the way of fees, was contended for in the Court of Claims.

Upon the quantum meruit, the court ascertained that only $60,000 was due, and added that it was incredible that the Indians ever contemplated the payment of any such fees as were claimed, and equally incredible that they ever contemplated the employment of the multiplicity of counsel who projected themselves, as I have described, into this controversy, claiming to act for and on behalf of the Indians. Your Committee on Indian Affairs is always ready to recommend adequate compensation in a proper case. This is not one of those cases. I believe this is all that I care to say.

[Mr. BURKE of South Dakota addressed the House. See Appendix.]

Mr. BURKE of South Dakota. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from South Dakota.

The motion was agreed to.

Mr. BURKE of South Dakota. Mr. Speaker, I now move that the House agree to the conference asked for by the Senate.

The motion was agreed to.

The Chair announced the following conferees: Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas.

AMERICAN REGISTERS FOR CERTAIN STEAMERS.

Mr. GREENE. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Merchant Marine and Fisheries may file views (Rept. No. 2187, pt. 2) on the bill (H. R. 31689) to provide American registers for steamers *San Jose, Limon, Esparta, Cartago, Parismina, Hercdia, Abangarez, Turrialba, Atenas, Almirante, Santa Marta, Metapan, Zacapa, Greenbrier, Peralta, La Senora,* and *Sixaola.*

The SPEAKER. Is there any objection?

There was no objection.

DEVELOPMENT OF AMERICAN MERCHANT MARINE.

Mr. GREENE. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Merchant Marine and Fisheries may file views on the bill (H. R. 32127) to encourage the development of the American merchant marine and to promote commerce and the national defense.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

COMMITTEE TO ATTEND FUNERAL OF LATE REPRESENTATIVE ALLEN.

The SPEAKER. In pursuance of the resolution agreed to this morning, the Chair announces the following committee to attend the funeral of the late Representative ALLEN, of Maine:

The Clerk read as follows:

Mr. SWASEY and Mr. GUERNSEY, of Maine; Mr. DAVIS, of Minnesota; Mr. O'CONNELL, of Massachusetts; Mr. KENDALL, of Iowa; Mr. LATTA, of Nebraska; Mr. GRAHAM, of Illinois; and Mr. CAMERON, of Arizona.

BRIDGE ACROSS CHARLES RIVER.

Mr. WASHBURN. Mr. Speaker, I call up the following conference report and ask that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Massachusetts calls up the following conference report and asks that the statement may be read in lieu of the report. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River between the cities of Cambridge and Boston, in the State of Massachusetts.

The SPEAKER. The Clerk will read the statement.

The Clerk read as follows:

STATEMENT.

The amendment of the Senate struck out all of section 1 of the bill as it passed the House and inserted a substitute amendment. As agreed to in conference, the following provision in the Senate amendment is stricken out, to wit:

"*Provided further*, That the State of Massachusetts shall, within a reasonable time after the completion of said bridges, or any of them, by legislative enactment provide for adequate compensation to the owner or owners of wharf property now used as such on said river above any of said bridges, for damages, if any, sustained by said property by reason of interference with access by water to said property now enjoyed, because of the construction of said bridges without a draw."

And in lieu thereof there is inserted the following provision:

"*Provided further*, That before the construction of said bridges, or any of them, is begun the State of Massachusetts shall, by legislative enactment, provide for adequate compensation for the owner, owners, lessee, or lessees of property abutting on said river above any of the said bridges, for damages, if any, caused to said property or leasehold interests therein by reason of interference with the access by water to said property, due to the construction of bridges without draws: *Provided further*, That said legislative enactment shall provide for the appointment of three commissioners to hear the parties in interest and assess the damages to said property, their decision as to the amount of damages and questions of fact to be final; said commissioners to be appointed by the supreme judicial court of Massachusetts."

The conference report also provides, in order to make the title agree with the Senate amendment as amended, to strike out the present title of the bill and insert in lieu thereof the following as the title: "A bill to authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts."

JAMES R. MANN,
C. G. WASHBURN,
W. C. ADAMSON,
Managers on the part of the House.

Mr. WASHBURN. Mr. Speaker, I move that the report be adopted.

Mr. ADAMSON. Mr. Speaker, as one of the conferees, I wish to say that some surprise may be aroused in the minds of some of my colleagues that Congress should undertake, in giving its consent to the construction or alteration of bridges, to stipulate about the adjustment of private rights and private claims for damages. I wish to assure them that, as the other two conferees on the part of the House were able to agree as to that matter, I only asked one other question, which they had not thought of, and that was the only material one, and the only one that Congress has any right to consider, and that is as to the effect of the bridges on navigation. Having been assured that the bridges contemplated were to be constructed in accordance with the general bridge act, and the work to proceed under the jurisdiction of the Secretary of War, who must approve the plans and specifications, and that the bridges as contemplated will be high enough above the water to prevent interference with navigation at that point, I signed the conference report.

The question was taken, and the conference report was agreed to.

DAMS ACROSS THE MINNESOTA RIVER.

The SPEAKER laid before the House the following Senate bill, a similar bill being on the House Calendar.

The Clerk read as follows:

A bill (S. 10836) to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River.

Be it enacted, etc., That the Minnesota River Improvement & Power Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate dams across the Minnesota River at points suitable to the interests of navigation, as follows:

First. One at or near the outlet of Lake Bigstone, in the counties of Bigstone and Lac qui Parle, Minn., and the county of Grant, S. Dak., and in that connection to divert the waters of the Whetstone River into Bigstone Lake.

Second. One at or near the confluence of the Redwood and Minnesota Rivers between the counties of Renville and Redwood, in said State.

Each of said dams are to be constructed, maintained, and operated in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed; and a similar bill, H. R. 31599, on the House Calendar was ordered to lie on the table.

WITHDRAWAL OF CERTAIN LANDS FROM PUBLIC ENTRY.

The SPEAKER also laid before the House from the Speaker's table the bill S. 10574.

The Clerk read as follows:

A bill (S. 10574) to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906.

Be it enacted, etc., That section 5 of an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, be amended so as to read as follows:

"SEC. 5. That whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding 10 years, giving preference to municipal purposes, any surplus power or power privilege and the money derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further*, That the Secretary of the Interior is authorized in his discretion to make such a lease in connection with the Rio Grande project in Texas and New Mexico for a longer period not exceeding 50 years, with the approval of the water users' association or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 6 of the reclamation act, approved June 17, 1902."

The bill was ordered to be read a third time, was read the third time, and passed; and a similar bill was laid on the table.

MESSAGE FROM THE PRESIDENT.

The SPEAKER also laid before the House a message from the President of the United States, which was read and referred to the Committee on Indian Affairs and ordered to be printed.

[For message see Senate proceedings of Feb. 17, p. 2754.]

BILLS ON THE PRIVATE CALENDAR.

Mr. BUTLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUTLER. I rise to move that the House resolve itself into the Committee of the Whole for the purpose of considering business upon the Private Calendar.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole for the consideration of bills in order for to-day.

Mr. ROBERTS. Mr. Speaker, I would offer as a substitute that the House consider the bills on the Private Calendar in the House as in Committee of the Whole.

The SPEAKER. That could only be by unanimous consent.

Mr. ROBERTS. I ask unanimous consent.

Mr. FOSTER of Illinois and Mr. COX of Indiana. I object.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole for the consideration of the bills on the Private Calendar in order to-day, Mr. STAFFORD in the chair.

Mr. DALZELL. Mr. Chairman, I move that we take up——

The CHAIRMAN. One moment——

Mr. CLARK of Florida. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CLARK of Florida. Mr. Chairman, I rise for the purpose of moving——

Mr. PRINCE. Mr. Chairman, I rose before the gentleman.

Mr. CLARK of Florida. The Chair asked me for what purpose I rose.

Mr. PRINCE. Mr. Chairman, I claim the right to be recognized as chairman of the Committee on Claims.

The CHAIRMAN. The gentleman from Pennsylvania, I believe, demanded recognition.

Mr. BUTLER. Yes. Mr. Chairman, I think I am entitled to recognition, as I made the motion.

Mr. CLARK of Florida. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. I tried to state. Mr. Chairman, I rise for the purpose of moving that the committee take up for present consideration the bill H. R. 31987.

The CHAIRMAN. The question before the Chair is priority of recognition, and the gentleman from Illinois [Mr. PRINCE], the chairman of the Committee on Claims, asks recognition at the same time as the gentleman from Florida.

Mr. PRINCE. Mr. Chairman, I move that the Committee of the Whole take up the bills in their regular order. I move that the first bill to be taken up be H. R. 18512, for the relief of S. H. Robinson, of Allegheny County, Pa.

The CHAIRMAN. The Chair has not as yet recognized the gentleman from Illinois [Mr. PRINCE]. For what purpose does the gentleman from Pennsylvania [Mr. BUTLER] rise?

Mr. BUTLER. I intended to make a motion to substitute another bill for this, but I will not make the motion.

Mr. CLARK of Florida. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The Chair will recognize the gentleman as soon as the Chair determines the question of priority of recognition——

Mr. CLARK of Florida. It may be too late then to determine the inquiry I want to make.

The CHAIRMAN (continuing). Which he is now engaged in determining. The Chair would like to ask whether the gentleman from Pennsylvania [Mr. BUTLER] is demanding recognition.

Mr. BUTLER. I am not, Mr. Chairman.

Mr. PRINCE. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. PRINCE] is recognized.

S. H. ROBINSON.

Mr. PRINCE. Mr. Chairman, I move to take up House bill 18512, No. 586 on the Private Calendar, for the relief of S. H. Robinson, of Allegheny County, Pa.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to S. H. Robinson, of Allegheny County, Pa., the sum of $26,985.63, as compensation for the injury sustained by him because of a flood in the Allegheny River in January, 1907, and being the amount recommended to be paid him by the Chief of Engineers, United States Army.

Mr. PRINCE. Mr. Chairman, I move to lay aside the bill with a favorable recommendation.

Mr. MACON rose.

The CHAIRMAN. For what purpose does the gentleman from Arkansas rise?

Mr. MACON. I rise, Mr. Chairman, to ask the gentleman having the bill in charge to explain the bill.

Mr. DALZELL. Mr. Chairman, in 1907 a flood occurred in the Allegheny River and swept away the dam known as Dam No. 3, at Springdale, about 17 miles above Pittsburg. In order to save private property, as far as possible, the Army engineers in charge used dynamite and blew up the remainder of the dam, and the result was that the property of this man, Mr. S. H. Robinson, was swept away, his farm and buildings, and acres of his land were ruined. The engineer department at once gathered together all these people who had suffered damages and procured from them releases in consideration of certain amounts to be paid them, as agreed upon. This gentleman, Mr. S. H. Robinson, signed a release in consideration of the payment of $36,000, which should have been paid to him at once, but which has never been paid. The Chief of Engineers sent this claim two years ago to Congress, and by mistake it was referred to the Committee on Rivers and Harbors on the supposition that that committee had jurisdiction. Of course they had no jurisdiction, and the bill afterwards went to the Committee on Claims. It has been favorably reported

by that committee unanimously. I would like to have printed in the RECORD as part of my remarks the agreement made by the War Department with Mr. Robinson. The Government concedes its liability. This is the agreement:

Whereas in the month of January, 1907, there occurred a flood in the Allegheny River, which caused the failure of the abutment of Dam 3, Allegheny River, at Springdale, Pa., which dam and abutment were built by the United States; and

Whereas by reason of said flood and the failure of said abutment certain land and houses and other improvements thereon belonging to private individuals were carried away and destroyed, resulting in damages and losses to the various owners of said property; and

Whereas it is understood that the United States proposes to restore the land thus washed away and to reimburse the owners for such damages and losses; and

Whereas I, S. H. Robinson, am the owner of certain land and improvements which were damaged or carried away by reason of the failure of said abutment, the said damages or losses being as follows, namely: Approximately 76,550 square feet of land (being entire lots Nos. 4, 6, 8, 10, 12, 14, 16, 18, 20, 29, and 30, and parts of lots Nos. 22, 24, and 28 in the Mellon plan of lots, and part of the Sarah Parkhill property, in the borough of Springdale, Pa.), together with nine frame houses, one brick house, outbuildings, and other improvements thereon washed away, and two frame houses and outbuildings and other improvements thereon destroyed.

Now, therefore, I do hereby agree to accept from the United States the sum of $26,985.63, as full and final compensation for all damages and losses sustained by me by reason of the failure of the abutment of Dam 3, Allegheny River, in January, 1907, and by all previous floods: *Provided,* That said sum is paid on or before June 15, 1909: *And provided further,* That the land washed away shall be restored by the United States in accordance with the plan adopted for the reconstruction of the abutment: *And provided further,* That the United States shall have, without additional compensation, the use of such land as may be hereafter restored for the purpose of laying railroad tracks or erecting necessary plant thereon in order to continue the work of restoration.

Signed at Pittsburg, Pa., this 6th day of April, 1908.

S. H. ROBINSON.

Witness:
SARAH H. PORE.

Mr. BARTLETT of Georgia. That is the question I want to get at. As I understand, this property was destroyed by the agents of the United States Government for a public purpose?

Mr. DALZELL. Yes; for a public purpose.

Mr. BARTLETT of Georgia. And this bill is for the payment of damages for private property taken or destroyed in the interest of the public?

Mr. DALZELL. Yes. The gentleman has stated it better than I could. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation? Is there objection?

There was no objection.

ARPENT LOT NO. 44, PENSACOLA, FLA.

Mr. PRINCE. Mr. Chairman, I want to call up bill H. R. 31987, Private Calendar No. 752, providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the United States hereby remises, releases, and quitclaims unto the heirs of Charles J. Heinberg, deceased, and Bertha Heinberg, his widow, and their assigns, all of arpent lot No. 44, in the old city of Pensacola, Fla.

Mr. PRINCE. Mr. Speaker, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. If there is no objection, it will be so ordered.

There was no objection.

ELLEN M. STONE RANSOM FUND.

Mr. PRINCE. Mr. Chairman, I now call up Senate bill 4378, Private Calendar No. 694.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 4378) for the relief of the contributors to the Ellen M. Stone ransom fund.

Be it enacted, etc., That the sum of $61,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of State to return to such contributors as may file their claims within two years from the passage of this act the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901: *Provided,* That no claim shall be paid unless shown that the contribution was made on the faith of the promise of the Government to reimburse the contributors.

The Clerk read the committee amendment, as follows:

In line 3 strike out "sixty-one" and insert "sixty-six," and strike out all after the word "one" in line 10 of the bill, so that the bill so amended will read as follows:

"*Be it enacted, etc.,* That the sum of $66,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of State to return to such contributors as may file their claims within two years from the passage of this act the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901."

The amendment was agreed to.

Mr. PRINCE. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. If there is no objection, it will be so ordered.

There was no objection.

Mr. PRINCE. Mr. Chairman, this, of course, is a claim to reimburse certain persons——

Mr. MANN. Will the gentleman yield for a suggestion?

Mr. PRINCE. I will.

Mr. MANN. As I understand, we are now ready to go ahead with the naval appropriation bill; and unless we do go ahead with that bill, it is quite certain that some appropriation bill will have to be passed under suspension, which is not a desirable thing to do.

Mr. PRINCE. Will the gentleman yield for a question?

Mr. MANN. The bill that the gentleman calls up would take the balance of the afternoon probably to discuss.

Mr. PRINCE. I want to suggest to my colleague, if time is desired upon this bill, I quite agree with him that we can not dispose of it probably, except at the expense of the public business. Probably later on we can take it up, and I now ask to have it passed without prejudice.

Mr. MANN. I suggest to the gentleman that if we can get along with the public business so that there is any time left, it is customary to give unanimous consent for the consideration of bills unobjected to which are on the Private Calendar before the end of the session of Congress. It seems to me it is absolutely out of the question to consider any bill that is objected to now or that leads to discussion. If the gentleman proposes to go ahead very long on this calendar I will make a motion that the committee rise, so that we can go ahead with the naval bill.

Mr. PRINCE. Mr. Chairman, as there is objection to this bill, I ask unanimous consent that it be passed without prejudice.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. ROBERTS. Mr. Chairman——

Mr. PRINCE. Now, Mr. Chairman, I have one more bill that I want to call up.

Mr. BUTLER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. BUTLER. I rise to move consideration of the bill (S. 6104) providing for the appointment of Commander Robert E. Peary a rear admiral in the Navy as an additional number in grade, and placing him upon the retired list.

Mr. GARDNER of Massachusetts. I raise the point of order that there is no quorum present.

Mr. MANN. I move that the committee do now rise.

The CHAIRMAN. The Chair has not yet recognized the gentleman from Pennsylvania [Mr. BUTLER]. The gentleman from Illinois [Mr. MANN] moves that the committee do now rise.

Mr. GARDNER of Massachusetts. I make the point of order that there is no quorum present.

Mr. OLMSTED. Mr. Chairman, a quorum is not necessary in order for the committee to rise.

The CHAIRMAN. A quorum is not necessary for the committee to rise.

Mr. GARDNER of Massachusetts. I make the point of order, before that motion is put, that there is no quorum present.

The CHAIRMAN. The Chair will say that the motion can be put after the point of order has been made. The Chair recognizes the gentleman from Illinois [Mr. PRINCE] to make the motion that the committee do now rise.

The question being taken, the motion was agreed to.

Accordingly the committee rose; and Mr. STAFFORD, Chairman of the Committee of the Whole House, reported that that committee had had under consideration two bills, H. R. 18512 and H. R. 31987, when, a point of order being made that no quorum was present, the committee rose.

FORTIFICATION BILL.

Mr. SMITH of Iowa, from the Committee on Appropriations, by direction of that committee, presented the bill (H. R. 32865;

Rept. No. 2198) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. MACON reserved all points of order on the bill.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 32212).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURRIER in the chair.

Mr. FOSS. Mr. Chairman, I desire that the other side shall go on. I do not see the gentleman from Tennessee [Mr. PADGETT] present, but I know that it is his intention to yield a half hour to the gentleman from Alabama [Mr. HOBSON]. Pending that, I will yield to the gentleman from Missouri.

Mr. BARTHOLDT. Mr. Chairman I desire to submit some remarks on the naval appropriation bill, particularly on the sections which provide for the further enlargement of the Navy. I do not desire to take up the time of the House at this stage, however, and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HOBSON. Mr. Chairman, to-day I shall take the half hour allotted to me to discuss the subject of America's war policy. Heretofore when the naval appropriation bill has come up at various times I have endeavored to discuss the question of our naval policy from the standpoint of preventing war. On those occasions I pointed out that control of the sea in the Pacific and equilibrium on the sea in the Atlantic are the requisites for abiding peace. I am frank to confess that my observation has convinced me that a policy adequate to prevent war will not be adopted by this Nation. We are short on providing equilibrium in the Atlantic and we have not a single battleship in the Pacific and our relative naval strength is steadily declining. War is therefore a physical certainty. It is high time for us to take into consideration the phenomenon of war and the policy that America should adopt in war.

We may differ as to the coming of the event itself, but assuming the event has come, we ought not to differ on the proposition that this Nation should have a well-designed policy to work to.

The danger of drifting into war without a digested plan is very serious. As an illustration, in the War of 1812, which had been coming for at least six years—as clearly indicated in the drift of events—we found ourselves unprepared, without any policy. The consequence was that during that war we called out more than 500,000 men, and yet 3,500 Englishmen burned the city of Washington in the late stage of that war; and 63 years after the war was over there were 78,000 pensioners as a result of the war. There never were more than 16,000 British troops in the Western Hemisphere.

Again, I do not hesitate to say upon good technical authority that if we had had a war policy at the time of the Civil War, that war could not have lasted one half as long as it did. In the case of the War with Spain we were so absolutely without any policy that Congress, confronted by war, could do nothing better than to appropriate $50,000,000 without specifying a single purpose for which it would be spent. And in that year alone there was an additional expenditure under the Navy of $96,000,000.

We should have a policy whether we agree or not that war is inevitable. Let us assume the event of war. What should be the basis of a sound policy for this Nation? To properly answer that question we must recognize the course of our national life and see what it really is—a new civilization; a civilization that does not involve or presume a condition of heavy armaments in time of peace; a condition where the citizen is not a soldier, but a producer; a civilization that permits the institutions of the Nation to escape that concentration and centralization entailed wherever a great military system exists; a civilization characterized by liberal and decentralized institutions. Ours is a new civilization, new at least for the white race, the first Nation where the people remain unarmed in time of peace.

The next great war that comes is going to test the fitness of that civilization to survive in this world. If coming into conflict with the older civilization the new should show itself incapable of the necessary work of self-preservation, it must go down. The way in which it would go down is this: Emerging from a disastrous war, even though the disaster were due to the Nation's own neglect, the people, smarting with humiliation, would demand great expansion of their military systems, and these systems would entail the centralization of the Government. The free institutions would go down and the peaceful civilization revert back to the civilization of militarism. Therefore it will never do for the American civilization in the test of survival with any great military nation of the world to conclude war in humiliation and defeat. If we did, the conclusion of war would inevitably be followed by a period in which the American people, with chagrin, with anger, hatred, and revenge in their hearts, would demand that this Nation proceed to make preparations to fight the war out at some future day.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. BARTHOLDT. I dislike to interrupt the gentleman——

Mr. HOBSON. Oh, I am sure the question will be illuminating.

Mr. BARTHOLDT. Is the system of preserving peace mentioned by the gentleman, namely, by armament, not circumscribed by the ability of the people to bear its burdens, and where the people no longer are able to bear those burdens, then the system of armament will necessarily fall?

Mr. HOBSON. I agree with the gentleman thoroughly, that if this Nation of peace, taking advantage of its insular location, would use its wealth to provide ships on the seas to stand between our peaceful citizens and the world's great standing armies, then the rest of the world, the nations of the other civilizations, based on armament and an armed condition in time of peace, could not compete with our civilization relieved of that burden in the struggle for the markets and the commerce of the world, and that the very load of their armaments would compel their disarmament. I expected to come to this point at an early stage and point out the great pity of this Nation permitting the condition to arise in which it will actually have to enter a conflict with some great military nation for the survival of our peaceful civilization, simply because we have failed to realize that as a matter of insurance of our peace an infinitesimal part of our vast resources could place ships between us and the world's great armies and permit us to live in complete tranquillity in which the question of arms would be practically eliminated from consideration by our people. But we have not done this, and we can not change the actual fact that this world to-day is an armed world, armed on a scale never approached in all history. To-day every able-bodied citizen in those great nations is a soldier, and the soldier is a part of a mighty engine. There is nothing on this earth that can stand in front of one of those mighty engines, but a similar engine. If we can not or will not put ships between us and those engines, the day is as inevitable as that to-morrow's sun is going to rise, that one of those engines will strike us, and defeat and humiliation will be as inevitable as the war itself.

Now, what should be the policy thought out in advance for this great Nation? We must not allow our civilization to perish, therefore we can not consent to end the war in defeat. Therefore when war does come, from our lamentable neglect, we should then enter the war with the full determination to win that first war, no matter what the cost, no matter what the sacrifice of men and money. The proposition is a simple one and should be recognized by all—America will never be the aggressor. When at last some great military nation, relying upon its superior preparation, does compel war with this unarmed Nation, let it be understood that this Nation can not under any circumstances allow the war to end in defeat, because that defeat, as intimated above, would entail a generation of preparations of arms and armaments, with anger, hatred, and revenge burning in the hearts of Americans, ending in a great war, a stupendous struggle to follow, out of which this Nation would come as military as any other nation, and our civilization would revert backward to the old civilization of the bayonet. Let it be clearly understood, therefore, that when war does come the nation that challenges this Nation to a test of civilization need not expect us to accept a war like other wars of modern times, simply a test of preparations against preparations where our civilization is at its weakest and the military civilization is at its strongest, but that we will turn history back 200 years and make the war a war of endurance, a test of resources

against resources, where our civilization is at its strongest and the military civilization is at its weakest.

Take the wars since the great armies of modern times have been created, they have all been ended after a few brief months in which there was simply a test of the armaments and the preparations. The war between Austria and Prussia was very short. In a few months Austria was prostrate and the war was ended. In the war between Germany and France, in almost equally as short a time France was prostrate and the war was ended. In the war between Japan and Russia the Japanese armies never came within 5,000 miles of Russia's vital territory, but in a few months the war was over, the victor having his reward. It is high time to consider what we should do when this Nation is struck—Members may differ with me as to when that day may come—I will tell you frankly that, in my judgment, you can count almost on the fingers of your two hands twice around the number of months. In my judgment it will come before the Panama Canal is completed. But whether you accept my opinion or not, whether we agree as to the date, that time is going to come. This Nation is not going to prepare and the day is going to come when it will be struck by a nation that is prepared.

Mr. MICHAEL E. DRISCOLL. Does the gentleman mean to say that a war is a visible certainty?

Mr. HOBSON. Yes, I say so; and it can not be very far off.

Mr. MICHAEL E. DRISCOLL. The gentleman's statement in this presence that actual war between this country and Japan in the near future is a physical certainty is entitled to very careful and serious consideration. Now, since there is no practical danger of war with any European country unless we force it, what does the gentleman say about the wisdom and necessity of transferring most of our battleships and naval supplies to the Pacific coast and keeping them there?

Mr. HOBSON. I thoroughly agree with the gentleman. The presence of our fleet in the Pacific would give us control of the sea and immobilize Japan's great army. This would prevent war. I pleaded with President Roosevelt to leave the fleet in the Pacific when it was there. Officers in high authority pointed out our defenseless condition and made the same appeal, all in vain. Since then many appeals have been made to President Taft, with like results. It is advanced that our naval stations are not adequate in that ocean. This is only partially correct. The bases at Bremerton and Mare Island would suffice for the necessary docking and repairs till further facilities are completed. Peace being secure, the fleet would also have access to the docks of Hongkong and of Japan. Of course the cost of coal and supplies would be greater, but what is such a cost to the cost of war and the exposure of our coasts? If our fleet can not be maintained in the Pacific in time of peace, what would be its condition in time of war? It is simply criminal to refuse to send the fleet to the Pacific. It ought to be sent there and kept there——

Mr. HINSHAW. In the event of war between Russia and China, would not Japan be forced to intervene, and would not the interests of the United States compel our intervention, by arms or otherwise?

Mr. HOBSON. I am not in a position to answer the gentleman's question, but I can say this, that when Russia invaded Manchuria and occupied Port Arthur, America did protest, and called on Russia to evacuate, and we sent our consuls under the authority of China, but we had no fleet in the Pacific Ocean, and Russia laughed in our face. We had to stop our consuls in Japan, before they got to Dalny and Mukden.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. HOBSON. I would be glad to do so, but there is a limit of 30 minutes. But if we had had a fleet in the Pacific Ocean at that time, and had actually made up our minds to support the principle of the open-door policy when we claimed the observance of that policy in Manchuria, it would have been observed and Russia would have evacuated Manchuria. There would not have been any war between Russia and Japan. This open-door policy would have been definitely accepted as one of the great permanent policies of the world, and we would not to-day be in danger of other wars because that policy is substantially abolished by armed force. Now, coming back, whether we agree or not as to the date when the great standing army of some military nation is to strike, that day is going to come, and we are going to find ourselves, whether we are struck from the side of the Atlantic or whether we are struck from the side of the Pacific Ocean, we are going to find ourselves, at an early stage of that war, and a remarkably early stage, absolutely helpless—powerless to strike back. The nations of the world will call on this Nation, as we called on Russia, in the name of humanity and the welfare of the world's commerce, to end the war.

Furthermore I can see great business interests, interests concerned in the fate of stocks, great financial, manufacturing, and commercial interests, I can see whole sections of the country, as in 1812, protesting against the carrying on of a hopeless financially and commercially disastrous war. It is in view of this crisis in the early stages of the war that I am bringing the question up now. We must not leave our war policy to be distorted in the whirlpool of passion, but it must be understood by our people from the start that when the war does come we will go back 200 years, not in cruelty, but in the test of the war. Let it be understood when the war comes that we propose to fight on till one or the other of the belligerents is exhausted. On this basis we must shape our war policy. Now, then, I will point out what that policy will require.

Mr. O'CONNELL. If the gentleman will permit——

Mr. HOBSON. Yes.

Mr. O'CONNELL. Do I understand the gentleman to say that he thinks we will have a war within 20 months with some great nation? What great nation is preparing for war to strike us within 20 months?

Mr. HOBSON. I know the gentleman would like for me to say Japan, and I will be glad to tell him so.

Mr. O'CONNELL. I would like to know. Does it not take a long time to prepare for war with a great nation that is separated by an ocean?

Mr. HOBSON. I am frank about this. I am speaking the truth as I see it. The truth is the only thing a man can stand on in this world. When he feels he has found the truth he can stand there through the wreck of worlds. I will tell him the truth. Ever since this Nation went into the Hawaiian Islands the Japanese nation served notice that they would never acquiesce; ever since 1898, when we went into the Philippines, and Japan asked us to let her go in there with us and we refused; ever since her citizens have come to this country in great numbers and our people, following the natural law of segregation of races, have not given them the treatment they thought they ought to have, they have been preparing for war. Preparations have gone on in every department. If the gentleman will take the pains to look at it, whether for the army or the navy, whether for the merchant marine and the transportation, whether for the finances or diplomacy, he will find the war is already prepared for and has been for a number of months.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. HOBSON. I do not wish to spend my time, Mr. Chairman, in discussing the question of war on the matter of whether it is coming or not, but I believe that we ought to meet on the point where, recognizing that it may come, we ought to prepare for it and determine our policy. That is what I wish to discuss further.

Mr. O'CONNELL. Will the gentleman answer another question before he goes on?

Mr. HOBSON. Certainly.

Mr. O'CONNELL. In line with that, do you think all the Japanese now on our western coast are in preparation for war in conjunction with their Government?

Mr. HOBSON. I will say to the gentleman again, frankly, I have not the slightest doubt of it, and no one can have who is familiar with the Japanese in foreign lands. He is a Japanese there, and he is doing the functions of his Government there. If his Government is preparing for war, he is cooperating.

Mr. GAINES. May I ask the gentleman a question? I do not want to interrupt him.

The CHAIRMAN. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. GAINES. Does the gentleman believe that Japan could to-day, or that she can at any time in the near future, finance a war against the United States?

Mr. HOBSON. I will tell the gentleman that Japan has been the one nation in the world with acuteness and ability to finance a war before it comes. Japan is hard up now, because the war is already financed.

Now, coming down to the policy of when the war has come, we are going to find ourselves in a most deplorable condition.

Mr. CLINE. Will you allow me just one question? I want to ask the gentleman whether he considers the Japanese incident as the basis or the emergency that arises for a change of our national policy, that we have followed for the last hundred years, which is an extremely peaceful policy.

Mr. HOBSON. I will say to the gentleman without hesitation that when the Federal Government at Washington met the

delegation of the mayor and school board of San Francisco, when they had finally appealed to the United States to guarantee to them their constitutional rights to manage their own affairs in school questions which had been settled by the Constitution, and when the President had to tell them we were defenseless, and they had to surrender, and did surrender, that when the legislatures on the Pacific coast took up the question of segregation and were not allowed to even discuss segregation bills, the effect of which would have been exactly like the treatment of Americans in Japan—we are segregated in Japan—our Government had to appeal to those legislatures to drop those dangerous questions. I answer the gentleman's statement in the affirmative, that it is not simply a peaceful policy. This Nation's policy has always been peaceful. But in this case of Japan it has been a policy of abject surrender of vital institutions, a surrender that can not be permanent.

Mr. GAINES. How are we segregated in Japan? I ask merely for information, for that is the first time I have heard of it.

Mr. HOBSON. I will tell the gentleman that he would not be allowed to buy a house and lot in Japan. If he were going to Yokohama, where I lived for awhile, he would have to go up on the bluffs.

Mr. O'CONNELL. Is that due to land laws or is it the policy of the nation?

Mr. HOBSON. It is due to the policy of the nation. We do not dare to introduce a measure here that would give precisely the same treatment to Japanese in America that they give to Americans in Japan, and, further than that, we can not even discuss it.

Mr. O'CONNELL. Does that apply to America alone or to all nations? Is that the policy of Japan toward all nations?

Mr. HOBSON. All foreign nations; and they would have no just ground for complaint if any foreign nation, or all foreign nations, passed segregation laws against Japanese, though against Japanese alone.

Mr. GAINES. Is it not a fact, I will ask the gentleman, that some years ago the foreign nations, including the English and Americans and other European nations, went into Japan and there assumed this power, that whenever a difficulty occurred between——

Mr. HOBSON. The gentleman is going to discuss the subject of extra-territoriality, and I have not the time to discuss that question.

Mr. GAINES. I am not going to discuss that. Did they not assume the right in a case arising between a Japanese and an Englishman or American to demand that the trial should be held before the consul of that country or this country, and has there not been an irritation as to that subject on the part of the Japanese people, and is not that irritation gradually dying out now?

Mr. HOBSON. I am not discussing the question of extra-territoriality. I am discussing the laws that exist in Japan to-day. I did not intend to discuss war here to-day or the causes of war. I have discussed that question here and have spoken to ears that would not listen. I have passed beyond that, and to-day my duty is to say that the failure to recognize the causes of war is leading us into war, and that a failure to recognize the approach of war will only make more dangerous the peril to the Nation's life when war does come. And yet not 1 per cent of our citizens has ever given a serious 10-minutes' consecutive thought or investigation as to what it might mean in the end, or what consecutive policy should be adopted from start to finish in order to minimize the loss of life and treasure, to save the Nation from defeat, and to save our peaceful civilization when the war is over. But, as I said at the outset, I am convinced that nothing will be done to prevent these great currents that are sweeping us into war from having their course. I repeat, in my judgment, war is inevitable and is not far off, and it is high time to determine what should be our policy. Our objective is ultimate victory, to secure which we must face a long war of endurance. Therefore, being unprepared, we must not sacrifice the small preparations we have by trying to meet the superior enemy in the early stages of the war. Let us take a supposititious case. With our fleet in the Atlantic, we may expect the war to occur in the Pacific. Let us assume that the enemy is a great military power and that with our fleet in the Atlantic that power is in full control of the sea in the Pacific, and having a large merchant marine for transportation can strike with his army any of our territory washed by the Pacific Ocean.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, I will ask five minutes from the gentleman from Illinois [Mr. Foss] and 10 minutes from my colleague, Mr. PADGETT.

Mr. MICHAEL E. DRISCOLL rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. HOBSON. I must decline to yield. That will give me 15 minutes altogether in which to conclude. Thus far I have not had time to get down to the policy itself, and after this I shall have to decline to yield.

The CHAIRMAN. The gentleman is recognized, to continue for 15 minutes.

Mr. HOBSON. I am making certain assumptions, Mr. Chairman; assumptions like those that the War College makes when it works out a war problem. It does not imply any unfriendly feeling to any nation in the world. All the other nations make similar assumptions and theoretically fight out their wars, putting half of their officers on one side and half on the other. We will be dealing with an intelligent nation, a nation that understands the principles of war. The passage of the fleet to the Pacific will be of such paramount importance that I make the forecast that we ourselves will not have the use of the Panama Canal; either that war will be precipitated before the canal is completed, or else that instantly on the declaration of war the canal will be obstructed and seized, and there will be adequate means opposed to prevent its use by our fleet.

It would be utter folly to try to send the fleet around the Horn after the declaration of war, with the prospect of finding all the bases of the Pacific occupied by the enemy before the fleet's arrival, compelling the coal and supplies to come around the Horn. There will be a great outcry from the people, but the public opinion of this Nation should not be like the public opinion in Spain, which compelled the Government for political purposes to inaugurate a fallacious policy that brought disaster. Why, the farthest distance that a fleet can successfully operate from a base is 2,000 miles. In the war games we have fought out it has been shown that a fleet going around the Horn when it reaches the Pacific Ocean will not find one available base in the whole ocean, and will be compelled to have a line of communication around the Horn, 10,000 or 15,000 miles from a base. It is an impossible proposition. Therefore the first thing to be done is to regain control of the Panama Canal, so that we can put the fleet through the canal. If it is not completed, we must stop and complete it. If it has been destroyed, we will have to repair it. Of course, that means that we would have the first great struggle of the war over the control of the Panama Canal and the Panama strip. Having control of the sea in the Atlantic, it is in Panama that we can operate with the only possible change of getting on an equal footing, and even then it would take us a long time to operate on an equal footing, because we have no army ready. The enemy having control of the sea in the Pacific, with open communication, would throw an army there at once and gain control of the canal unless we have forts that could stand off his fleet and a garrison that could hold out against his armies till relief arrives. Our first effort, then, would be to create an efficient army. Since the war will be long, enlistments should be for not less than five years. It will take a long time to create an efficient army, but there is no use in sending raw recruits down there to engage trained regulars and veterans. It will take a long campaign of large dimensions to regain control of that canal, and if driven by public opinion to go down there before we are prepared we will suffer great humiliation in defeat.

It will be useless to try to dispatch armies to the Pacific while the enemy has unbroken communication on the ocean. It will be humiliating, of course, for us to see the Philippine Islands occupied practically without a struggle. All we can hope to do there will be to hold out at Corregidor. Hawaii, Guam, Samoa, the Aleutian Islands, Alaska, and I have already mentioned Panama, San Francisco, and the Puget Sound region, the whole Pacific coast, will be occupied without serious opposition on our part. The only stand we can make will be at Pearl Harbor, and with our small garrison that can not be for long. The humiliation will be deeper than any yet suffered by our Nation, but we must endure it without swerving from our plans.

Leaving the Pacific Ocean to its fate, we must go down, first, to regain the Panama Canal. Preparations should be complete before this expedition is undertaken. It would probably involve sending three or four hundred thousand men and would require a transport fleet costing probably $60,000,000. Since we have such a small standing Army and militia, and almost no ocean merchant marine, we must start out on a systematic program of creating Regulars, building transports and warships, with

only the limitation of efficiency upon the rate in turning them out. I should say, roughly, we could enlist, organize, and partly train at the rate of 250,000 men every six months and could secure transports in proportion. During the Panama campaign we should build up our fleet to a two-ocean basis. After the first year we could probably turn out battleships at the rate of 10 a year and auxiliaries in proportion. A great shipbuilding program promptly begun before our existing fleet goes to the Pacific would have a good diplomatic effect in the Atlantic during the period of our reverses. While proceeding with the Panama expedition we must continue to apply the whole resources of the Nation in a systematic production of a great Army, great transport service, and great Navy. If we meet reverses in Panama, we can not halt. The control of the sea in the Pacific will be paramount. To gain it we must get the canal. So we must continue our efforts till at last we win Panama. Then, having control of Panama, we will put our fleet through, and Panama will be its base. There will be no other base. Then the proposition will be to cut the enemy's communication with his fatherland. There will then be a great battle between our fleet and the enemy's fleet. We must prepare for that battle with the greatest care. No chance should be taken that the enemy's fleet might attack our fleet as it emerges from the canal. If the fortifications have been destroyed, we will have to wait till they are replaced and keep the enemy's fleet at a distance. If our fleet is defeated or largely destroyed in that struggle, the war will have to halt until we can build another fleet, send it through the canal, and try again.

Therefore, unless we are satisfied with the fleet when we finally get it through the canal, unless we have proper bases and have a good chance to win, it will be wise to postpone the great naval struggle until new ships arrive.

If we win in that great naval struggle, or when we finally get control of the sea in the Pacific, the enemy's communications will be cut and he will retire from the Pacific coast. He will not retire until then. We can be assembling our armies west of the Missouri and Mississippi, but it will be useless to try to send them to the coast till after we gain control of the sea in the Pacific. The regaining of Panama will be the first step of the war. Regaining the control of the sea in the Pacific will be the second step. If we do not get complete control, we will have to build and continue to build until we do. We will lose time, but ultimately we will have control of the sea and the Pacific. We have now cut off the enemy's communication with his home. That will mean that we will be prepared then, and not until then, to send an army across the continent. But if the enemy has not retired, we will drive him into the sea. Up to that time it would be best for us to submit practically without opposition to complete occupation of the Pacific slope. The enemy, upon evacuating the coast, would at once retire in force and make a great stand at Hawaii. He would have Pearl Harbor, Hawaii's great base. It will not be necessary for us to regain Hawaii. Anyone familiar with the fortifications that would be put up there can see that the position would be infinitely stronger than that of Port Arthur, stronger than Gibraltar. We might as well make up our minds to a great siege before we can proceed further.

Having finally retaken Hawaii, the war would be through its third stage. All of our loss of life and renown, all our humiliation up to this point would be due to our lack of preparation. On account of this lack we will have to fight the equivalent of about three wars before we begin where we ought to be upon the outbreak of war.

Mr. STAFFORD. Will the gentleman yield?

Mr. HOBSON. I will yield to the gentleman.

Mr. STAFFORD. Will the gentleman kindly tell us when the war will end?

Mr. HOBSON. It will end in a time inversely proportional to the number of battleships that the gentleman votes not to authorize.

Mr. MADDEN. Will the gentleman yield?

Mr. HOBSON. I will yield to the gentleman; yes.

Mr. MADDEN. I understood the gentleman to say that the war would begin after we had lost these battles; how long would we be in the war before it had begun?

Mr. HOBSON. If we won every point I have referred to right straight through, it would be five or six years before we could begin to actually fight the war on grounds that would involve any serious risk to the enemy. Now, having got started and using Hawaii as a base, we will only begin the real struggle for the future mastery of the Pacific Ocean. It will be too far to operate in the Philippine Islands. We have got to get a base between Hawaii and the Philippines. That will be Guam. The pity of it is that Guam is not already fortified and that we have not eight or ten thousand men available who could stay there until doomsday, where the enemy could not land nor dig them out—where they could resist a siege almost indefinitely. But the chances are that we will not take this simple precaution of preparing to hold Guam for a base. Consequently we shall find the enemy in Guam, and we would have to take Guam or some other port less difficult; we could make a dash across to Korea or some other near point for a base, and then, if we are able to maintain our base across the ocean, at last we would be in a position to reverse the tables and begin to make the war serious for the enemy.

The question of supreme importance is that we realize at the start, no matter what the political pressure may become, no matter what calamities overtake us in the early stages of the war, that we must never allow the war to end until the nation that challenged us because we were unprepared, because we had been confiding and accepted at par all the statements of intentions they made—a nation finally and fully prepared after long years of preparation, which took advantage of us—and because of our inherent weakness and the weakness of our institutions provoked us to such a war of survival, that before we allow the war to end the nation that thus challenged us must be crushed.

When the great war comes, let us realize that it will be a test of survival of our civilization. Let us realize that we owe it to our own future peace and tranquillity, to our own posterity, to the people of South America, to the weaker peoples of the world; that we owe it to mankind that is looking up with streaming eyes to the day of deliverance from the load of militarism of the old civilization; that we owe it to the cause of peace and justice between the nations and races of the world that only one such war shall be necessary. When the test of the two civilizations comes, the civilization of peace must survive. When we come back from that war, the world must see clearly that militarism has served its day and is ready to be laid away like a garment that is done with. When we come back from that war, it must be so that we can lay down our arms for good. A public opinion, founded upon a determination to fight through to a finish, widespread in the United States of America, permeating our patriotic citizens, is the only thing that now remains to avert such a disastrous war as is impending.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, I would like to have just two minutes more to finish up, because I was going to make the analogue apply not to Japan only, but to any other military nation, no matter whether that challenge comes from Asia or from Europe. The nation that makes it will rue the day. [Applause.]

Mr. PADGETT. Mr. Chairman, I am not frightened by the perennial scare about Japan that accompanies the consideration of the naval appropriation bill every year; neither am I a believer in the Armageddon. I do not believe the United States is going to the devil on a toboggan slide [applause and laughter]; I do not believe that the civilization and preservation of the United States rests upon gunpowder, dynamite, and shells. [Applause.] I believe that in the future, as in the past, the peace and the prosperity and the happiness and the growth and the greatness of the American people will be grounded upon the righteousness of their conduct, the justice of their cause, and the manhood and womanhood of the future. [Applause.] Therefore, Mr. Chairman, I shall yield the remainder of my time to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Chairman, I rise to congratulate the Democracy upon its triumph at the recent November election. Its restoration to control in the House and in so many of the principal States of the Union after so long a period of defeat is a tribute mightier than words to the devotion of its adherents, the vitality of its beliefs. [Applause.] I do not hesitate to express the utmost reliance in the fact that it will more than justify the reawakened confidence of the American people. It will perform every promise and discharge every duty to the glory of the country and the confusion of its foes. [Applause.]

It will, perhaps, be generally conceded that conditions in the United States are in many respects without precedent or counterpart in the records of half a century. Never before have the American people become so interested in public affairs, so critical of men, so watchful of legislation.

They see monopolies and trusts becoming more omnipotent, the few more opulent, Government more extravagant, taxation more exorbitant. They see seven men to-day with an aggregate fortune of a thousand million dollars—Morgan, Rockefeller, Stillman,

Baker, Frick, Reid, and Moore—these seven men being allied with about a dozen others who possess another thousand millions—this little group of less than 20 men controlling nearly two-thirds of all the money in circulation in the country, possessing in an infinite degree the power to increase or to depress the rate and volume of production, manufacture, transportation, and exchange; to produce panics, to impoverish millions—the real American House of Lords. They see Rockefeller drawing dividends of twenty millions every few months as his share in a single trust. The addition of only a few more decades to the ordinary span of mortal life would enable such men to acquire the ownership of the Republic. Perhaps a beneficent God had Mr. Rockefeller, Mr. Morgan, and others in mind when he ordained that man should be born to die. [Laughter.] Indeed it would not be surprising if when these gilded magnates are called to judgment consternation does not immediately spread among the angelic hosts for fear of an exclusive transportation line on the river of life and a merciless monopoly on the supply of wings. [Laughter and applause.] The situation is humiliating in the extreme. With what consistency could Henry, Adams, and their illustrious contemporaries have thundered in defense of liberty, with what enthusiasm could Jefferson have defined the gospel of our independence, with what patience could Washington and his compatriots have endured the storms of winter and of war had they known that they were but fashioning an estate for Morgan, Rockefeller, and their associates?

Such is a partial outline of the conditions which beset the American people—conditions that cry to heaven for redress. When 50 years ago the Democratic Party relinquished control of the Government it had made glorious and strong no such conditions prevailed. It can not be justly charged with measures or results since then; the succeeding half century of Republican rule has seen it in charge of the entire machinery of legislation for but two years, in the second of which it began a gradual revision of oppressive tariffs which it would have restored to a proper basis without violent or destructive haste. Its tariff law of 1894—the Wilson law—was but the first step in a reformation which would have been carefully and effectively completed in following years. This reformation was defeated by the almost immediate return of the Republican Party to power through economic disturbances which had begun a year before the enactment of the Wilson law and with which the Democracy had no possible connection. The defeat of the Democratic Party in 1894 through popular misapprehension was one of the gloomiest tragedies in American politics. Resuming full control of the American Government, the Republican Party, flushed and insolent, enacted still higher tariffs, which in little more than a decade have delivered almost the entire wealth of the country into the talons of monopoly and increased the cost of actual existence to a point never before experienced. [Applause on the Democratic side.] The partnership of Government with vast material interests has developed a saturnalia of corruption both personal and official. The dominant party has become the mere agent of consolidated wealth. In the places once adorned by Webster, Corwin, Douglas, Benton, Clay, Calhoun, and their compeers—all men of stainless honor and of giant mind, of absolute devotion to the general good—sit the agents of corporate power, trafficking in the sacred functions of taxation. Some of these heard in advance the thunders of a distant storm and quietly announced their "voluntary" [laughter] retirement to private life. It is a retirement like that of the Irish worker who met his friend Mike about 10 o'clock one morning. "Mike," he says, "I've quit my job; I'll not work on it a minute longer." "And why did ye quit, Pat?" said Mike. "Why, it's all on account of a remark the boss made this mornin'." "Faith and what did he say?" "Patrick," said he, "you're discharged." [Laughter.]

Let us examine for a moment the actual consequence of Republican domination. With the enactment of the Dingley tariff by the Republican Party in 1897, which imposed the highest tariff taxes the country had ever known, there began an era of rising prices, multiplying trusts, and colossal Government expenditure. The Republican Party resisted the growing demand from every section of the country for relief until 1908, when public clamor compelled the insertion of what was generally understood to be a definite covenant for genuine tariff revision in the Republican national platform of that year. Elected on this covenant, the Republican Party, in an extra session of Congress soon after Mr. Taft's inauguration in 1909, passed the Payne tariff law, which supplanted the Dingley measure on the Federal statutes. The Payne law was a deliberate violation of the Republican covenant for lower rates, for rates which would bring substantial relief to the American consumer. It retained or increased almost all the existing rates. It was so complete and conscienceless a repudiation of Republican faith that insurrection, already seething in the House against the autocracy of the Speaker, lifted its banners in the Republican ranks, dividing the Republican Party into two rancorous and implacable factions.

Truly no historian of the present or of the past could find a more prolific subject for the amusement of mankind than the present situation of the Republican Party. Lifted on a tide of internal controversy to command of the Republic but a few years after the party's birth, utilizing the exigencies of war to perpetuate the most destructive system of taxation in our political annals, proclaiming a loud allegiance to principles which it professed but to profane, it acquired a mastery of this Nation that seemed to challenge eternity itself. For 50 years it exercised an almost uninterrupted direction of the American Government.

Supported by the special interests it had upbuilded, making mammon its Bible, partisanship its God, it led for 50 years a majority of the American voting millions with the precision of an army to the polls, maintaining a unity and a discipline that czars might envy and emperors emulate. At the last national election in November, 1908, it achieved one of the most notable conquests of the American people in its spectacular career. By a majority of more than a million it again secured control of the machinery of government. Again, as on so many former occasions, it had vanquished its ancient adversary, the Democracy, an adversary it could defeat but not destroy [applause], a party that for 50 years had warned the American people against the tyranny of Republican measures, the emptiness of Republican faith, an adversary that rose from the reverse of 1908 to revive its energies at the fountain of human brotherhood and take up again the long struggle for the people's rights. [Applause.] I say that never before did the Republican Party seem so harmonious, so insolent, so strong as at the close of that historic November election day in 1908. To-day, but little more than two years later, the Republican Party is a mass of incoherent wreckage. [Applause.] To-day the Republican Party lies shattered by the shock of faction. [Applause.] Unity of action and harmony of belief have been supplanted by uproar and dissension. It has divided into two warring groups, insurgents and standpatters, marked by a mutual hatred that baffles measurement. [Laughter.] To an insurgent a standpatter is a veritable prince of darkness [laughter], a votary of oppression, a tyrant with heart of flint, with hand of iron, and lip of brass [laughter], while the most complimentary thing a standpatter may say of an insurgent is that he should be shot as a traitor, burned at the stake, and boiled in oil—all three at once. [Laughter and applause.] In this latter characterization I am quoting almost literally one of the most distinguished standpatters in the House. [Laughter.]

The only conclusion the American people may deduce from the whole imbroglio is that long acquaintance and intimate association qualify each element of the Republican Party to describe the other with entire accuracy and authority [Laughter and applause.] Even Roosevelt, the human seidlitz powder [laughter and applause], who for seven years held his party in undivided and resistless mass, who while President evaded the revision of the tariff with a skill that made him the noblest standpatter of them all, ceased to hunt wild beasts in Africa to hunt standpatters in the United States. [Laughter and applause.] Upholding radicalism in terms that seared and blazed until his personal ascendancy was assured, he suddenly adopted the conservative garb, making the lightning change in full view of the audience without leaving the stage. Ridiculing publicity of campaign funds before election in 1908, he committed himself without reservation to that Democratic policy in 1910. [Applause.] Denouncing criticism of the Supreme Court of the United States in 1896, he excoriated the venerable figures of that sublime tribunal in 1910. [Applause.] Charging Hearst with virtual complicity in the assassination of McKinley in 1906, he boasted of the mere prospect of Hearst's assistance in 1910. [Laughter and applause.] A former President of the United States, he did not hesitate to leap into the thick of party brawls, to occupy a new but shadowy eminence as party feudist and as party boss. [Applause.] A strutting contradiction, a swaggering pretense, how true a type of modern Republicanism he presents, with its two faces, insurgency and standpatism, on a single head. [Applause.]

I now desire to allude to a phase of the tariff situation which should be presented with special emphasis to the American people. We are hearing much of the necessity of a tariff commission to ascertain the relative cost of production at home and

abroad, but we hear far too little of the necessity of better trade relations with the world. I desire briefly to call attention to the section of the new Republican tariff law affecting our trade relations with other countries. That we may grasp the exact bearing of this question, it is necessary for a moment to examine our position in the commerce of the globe. The condition of our foreign trade is a just source of national shame. We have an area of 3,600,000 square miles, unsurpassed for diversity and extent of resource, salubrity of climate, fertility of soil, a population of 90,000,000 of as energetic, intelligent and progressive people as ever gathered beneath a flag. And yet we have been distanced by almost every country of importance in the world in the relative extent of our foreign trade. One of the chief marks of a nation's standing before the world is its ability to develop foreign commerce. A nation is entitled to no especial credit for the mastery of its own markets, especially when it levies enormous taxes on the entry of foreign goods. But when it meets its rivals in open contest for the markets of the earth, on the impartial arena of the seas, matching strategy with strategy and skill with skill, it soon finds its just place in the scale of the world's material advancement. Now, what is the situation in the marts of earth to-day? How rank the nations in the struggle for commercial strength and prestige?

Our annual exports now reach the value of a billion and three-quarters, about $18.28 per capita. The annual exports of Great Britain, with an area of 121,000 square miles, smaller than California, a population of nearly 45,000,000, about one-half our own, average $41.20 per capita. The annual exports of France with its 207,000 square miles, about one-seventeenth our size, with a population of 40,000,000, less than half of ours, average $24.80 per capita. The annual exports of Germany, a nation about the size of France, with a population of 63,000,000, a little more than two-thirds of ours, average $24.09 per capita. Australia has a territory some 700,000 square miles smaller than ours, a population of a little more than 4,000,000, and yet its export trade, the amount of goods it sells to other countries, is $71.60 per capita, as against our export per capita of $18.28. New Zealand, with a territory of 104,000 square miles, but little larger than Oregon, with a population of less than 1,000,000, 90 times less than ours, has an export trade averaging $82.11 per capita. Against our export per capita of $18.28 Argentina, with 1,100,000 square miles, something less than a third of our area, a population of 6,000,000, 15 times less than ours, has an export per capita of $57.90. Against our export per capita of $18.28 Belgium, with less than 12,000 square miles, smaller than the State of Maryland, with a population of 7,300,000, about 13 times smaller than ours, has an export per capita of $65.49. Canada, with an area a little larger than ours, but far less productive on the whole, with a population of 7,000,000, about 13 times smaller than ours, has an export trade averaging $30.91 per capita. The little countries of Costa Rica, Chile, Cuba, Denmark, Switzerland, Norway, Sweden, and the Netherlands, with territories from 12 to 270 times less than ours, with populations far smaller, sell more goods per capita to foreign nations than the United States, some from 2 to 8 times as much.

In the things we buy we are similarly outstripped; we have not mastered the underlying economic truth that the total of our buying abroad finally determines how much foreigners can buy of us. In the buying and selling of this restless globe the United States, whose natural capacities should make it a figure of the first importance, has been reduced almost to the rôle of a mere looker-on. It but adds to the national humiliation to observe the infinite inferiority in virgin resource of most of the countries now outstripping us. Against such a situation the American people, especially our merchants, manufacturers, and business men, in general, who realize the absolute necessity of wider foreign markets, cry out in agony and anger. We have builded within our own domain an internal trade equaling in value the trade of the world, and we demand a chance to make a corresponding record in the commerce of all mankind. Perhaps the most vigorous demand for the revision of the Dingley tariff came from our manufacturers, who recognized the vital need of more liberal trade relations with the world, especially in view of the fact that the product of our factories is so rapidly outgrowing the home demand. We want it said of us, as was said in ancient days of Tyre, "Their merchants are princes and their traffickers the honorable of the earth."

In order to understand the provisions of the present Republican tariff law as to our commercial relations with other lands, it is necessary to refer briefly to the provisions of the Dingley tariff, the immediate predecessor of the existing act, on the same subject. The framers of the Dingley law recognized the necessity of reciprocal trade relations and in section 4 of that law established a liberal basis therefor. This section provided for a 20 per cent reduction of all the Dingley rates in return for similar concessions abroad. In section 3 it provided for a limited reciprocity in 10 or 12 specific articles. It was ordained in section 4 that all treaties negotiated thereunder should expire unless ratified by the Senate within two years from the enactment of the Dingley law.

The Dingley law became operative in 1897. Several important treaties were negotiated with important countries under section 4, whereby our foreign trade would have been materially enhanced, but failed of ratification in the Republican Senate within the necessary two years. Thus the Republican Party destroyed the very instrument of trade expansion it had so carefully devised. From that hour until this treaties have been moldering in the caverns of a stand-pat Senate, and, although the Republican Party has been supreme in every division of the Government, it has made no effort through President, House, or Senate to revive them. Several treaties were also negotiated under section 3 as to the few articles it covered, which, with certain changes in the administration of the customs laws, secured trade and customs concessions of more or less value from Germany, France, and other countries.

Let it be remembered that the Dingley law in its principal reciprocity section offered a 20 per cent reduction on all its rates as a minimum basis for negotiation, its regular rates being its maximum basis. For 12 years (from 1897 to 1909) from the enactment of the Dingley law to the enactment of the present, or Payne, law, the world understood our minimum rates to be a 20 per cent reduction of the established rates of the Dingley Act. When the Payne law went into operation it changed the basis of trade relations so radically as to arouse the ridicule of the world. It announced through section 2 that the regular rates of its various schedules, rates distinctly higher than the regular rates of the Dingley law, should hereafter be the minimum rates in all trade negotiations, and that our maximum rates should consist of rates 25 per cent ad valorem in addition.

Thus our minimum rates were suddenly and without provocation from a single nation raised to a point distinctly higher than the maximum rates of the Dingley law, while the further increase of 25 per cent ad valorem for the maximum rates meant an increase for some articles of over 100 per cent. Furthermore, the section provided that all existing treaties should terminate with the passage of the law and that countries not giving us equal tariff and trade treatment with all others should be compelled to pay our maximum rates on all goods imported here. Thus we announced that the highest penalty exacted in the past for discrimination abroad had become the minimum concession for trade favors and that unless all countries should confer on us the same privileges they accorded others, regardless of what they had received in return, and although we had offered nothing to justify such consideration, the new maximum rates, rates 25 per cent ad valorem higher than the new minimum rates, would be immediately imposed on the offenders. A more puerile, a more offensive, a more irrational proposition was never before recorded in diplomatic or economic history.

Moreover, the section under discussion provides no way of negotiating special treaties as to specific articles or sets of articles. Whether the concessions or the discriminations of another country be large or small, we must, under the Payne law, apply all the minimum rates or all the maximum rates, comprising 14 schedules and 4,000 articles. Nor may intermediate rates be applied in order to meet special trade situations abroad. This second section is the clumsiest instrument ever devised for the extension of a nation's trade. It is an illustration of the narrowness of human greed, which throws every obstacle possible in the way of tax reduction, even when the object is a wider trade. It is the answer of the Republican Party to McKinley's last speech, nearly 10 years ago, delivered shortly before his assassination, wherein he pleaded for the extension of foreign trade, the cultivation of foreign markets.

To complete the measure of our national degradation it needs only to be said that our foreign carrying trade is now almost entirely in foreign hands. The disappearance of the American merchant flag from almost all the oceans has been one of the saddest results of the long Republican captivity. Under the Democratic tariffs and Democratic policies that determined the destinies of the Republic for its first seven decades, American ships carried by far the greater part of the trade of the globe, including our own. To-day, after five decades of Republican dominion, we carry practically no foreign trade and less than 10 per cent of

our own imports and exports in American bottoms. In the Democratic era the American flag was conspicuous in every port. It was mirrored in every sea. Under Republican ascendancy it has all but faded from the deep. In Democratic times it frequently encircled the globe, fluttering above rich cargoes from every shore, bringing predominance to American commerce, support and comfort to American homes. To-day, under Republican rule, it is seen, if seen at all, at the mast of a battleship, the sign of lavish expenditure, or above the yacht of a millionaire, denoting the luxury and privilege that now flourish beneath it.

The triumph of the Democracy in the recent elections shows that the American people believe that the only substantial remedy for these and other conditions lies in the restoration of the Democratic Party. I would not minimize whatever credit may be properly accorded the insurgent Republicans for their recent revolution against autocracy in the tariff and in party leadership. For their belated insurrection, after the extortion of uncounted millions from the American people through the tariff laws they helped to create and to maintain, after the reduction of multitudes to privation and distress through the system they helped to build and to preserve, after the erection with their support of an iron despotism in the American House of Representatives, I give them all the praise they may deserve. [Laughter.] But the American people will recall the fact that the Democracy for decades opposed, denounced, unmasked the very wrongs against which the insurgents now declaim so loudly. Before Republican insurgency was known to men's remotest dreams the Democratic Party laid bare the excesses of protection, the dangers of parliamentary absolutism. Not an argument as to Cannonism or the tariff has issued from the insurgent camp that had not been previously repeated a thousand times on Democratic lips. [Applause.] Against the Democracy in its efforts to correct the ills that now overwhelm the Nation the Republican Party presented until as late as 1908 an undivided and successful front. The Democratic national platform of 1908 denounced the arbitrary power of the Speaker; the Republican platform was silent. At the opening of the Fifty-seventh, Fifty-eighth, Fifty-ninth, the Sixtieth, and earlier Congresses the Democrats voted solidly against the rules that were so rapidly developing a legislative autocracy, confronting a solid Republican majority. There were occasional criticisms from individual Republicans, but the roll call would always show a practically united Republican phalanx for the rules.

I can hear the acute invective of John Sharp Williams, the resounding eloquence of De Armond [applause], the splendid sarcasm of CHAMP CLARK rising in protest against legislative tyranny above the turbulence of those exciting days; the voice of De Armond rolling like muffled thunder across the impatient but soon attentive throng, possessing a pathos that foretold the hour when with the same deep and noble accent he comforted his little grandson as the flames of a burning home enveloped them both, saying, "Its all right, Davy; its all right." I repeat that we cheerfully accord the insurgents whatever credit may justly be theirs for attempting to lead a revolution the Democrats after years of sacrifice and struggle had set in motion, but we say that to the Democracy belongs the chief tribute of the people's gratitude. [Applause.]

The country has rightfully concluded that it may expect but little in the direction of permanent tariff relief from any element of the Republican Party. No element of this party favors such fundamental curtailment of tariff rates as will dethrone the vicious doctrine of protection. All elements of the Republican Party yield an unchanging allegiance to the system that has brought the country to the verge of economic disaster. They indorse the declaration of the Republican platform of 1908, committing the Republican Party to the unholy policy of so adjusting tariff rates as not only to cover the difference in cost of production at home and abroad, but also to guarantee a profit to protected industries. They would prostitute taxation to the maintenance of private property. They would permanently despoil the people to upbuild a few favorite enterprises. They would have American industry rest not upon efficiency, but upon the privilege of recouping losses and maintaining profits through taxation.

A system that upholds profits regardless of efficiency is a curse, and the whole Republican system of protection, to which every element of the Republican Party gives indorsement, is tainted with this vicious error. True prosperity must ever rest on merit, not on subsidies from the Government. When any man demands a permanent subsidy from the people, there is a defect in his prices, his qualities, or his integrity. With the prospect of continuous aid from the Government, what incentive remains for further progress? In the last analysis protection means cessation of growth, paralysis of energy, retrogression, dissolution, death. Truly, to stand pat is to stand still.

It is the mission of the Democracy to embody in human government the principles of truth as expressed in natural and economic laws. It is the belief of the Democracy that a republic based on equal rights is the highest earthly expression of the love and tenderness of divinity. It is a basic tenet of Democracy that any law which gives to one the earnings of another without an adequate return is a contradiction of the truth of Heaven and that no party, government, empire, or republic can permanently maintain it. [Loud applause.] For this reason the Democracy is terrified by no defeat, overwhelmed by no disaster. For this reason the 50 years of its almost continuous overthrow in the national elections have but deepened its confidence in final victory. One hundred and thirty-five years ago, in a second-story room of a modest house on Market Street in Philadelphia, occurred without commotion or display one of the momentous events in the records of mankind. Within that room a young man of 33, of tall and slender build, of cultured bearing and philosophic mien, composed, after three weeks of quiet and unremitting labor, a document in many respects the most significant in the entire history of human freedom.

Bending with sleepless industry above his manuscript in the dim vigils of the night, his pen slowly tracing through countless changes and erasures the charter of a people's liberty, without the aid of book, or pamphlet, or companion, he wrote the sentences that woke humanity like a trumpet's blast from God. All history seemed to yield its lessons, the very heavens to whisper inspiration. The writer was Thomas Jefferson [applause]; the writing the Declaration of American Independence. [Continued applause.] It became the tocsin of American revolution, the basis of American liberty. Its spirit spread to other lands. "All men are created equal," said the document, and Democracy in the United States was born. To embody the spirit of equality in American laws and institutions the author of that deathless declaration founded the Democratic Party.

The CHAIRMAN. The gentleman's time has expired.

Mr. THOMAS of North Carolina. I ask unanimous consent that the gentleman's time be extended.

Mr. PADGETT. That will be unnecessary. I yield the gentleman five minutes more. [Applause.]

Mr. SHEPPARD. Chosen by Washington as the country's first premier, he was soon elevated to the Presidency itself. Under him the Democracy reduced the burdens of taxation and added the vast area of Louisiana to the national domain. Under him and his successors for more than five decades the Democracy molded the essential character of the Republic, giving equity to its legislation, glory to its arms. The Democracy conducted the contest of 1812 that wrested from Great Britain the lordship of the seas, a supremacy that was never lost until the advent of the present Republican Party. It acquired the Territory of Florida, bringing new outlets for our commerce, the mastery of the southern Gulf. It gave, through James Monroe, the doctrine that assured the autonomy of the Western Hemisphere, the immunity of a continent from foreign interference and aggression, a doctrine now accepted by all parties and respected by the world, a doctrine that brought to the United States a lasting preeminence in history. Through the mighty Jackson the Democracy developed an internal economy that abolished the public debt and removed the tyrannies of the tariff.

Through Jackson it began the movement that resulted in Texan independence and annexation, the victorious war with Mexico, the acquisition of California. It conducted negotiations by which the rich regions of Oregon were gained. Thus the Democracy completed the geographical integrity, the physical symmetry of this Republic, more than doubling our territorial extent, increasing our natural wealth beyond the measurement of man, widening our boundaries until they embraced the mightiest section of the globe. In the Democratic tariff of 1846 the Democracy achieved a just solution of the problem of taxation; in fact, the Democratic management of every phase of the public business during the formative era left the American Republic so colossal, so prosperous, so strong that it was enabled to withstand four years of civil conflict and 50 years of Republican rule. [Loud applause.] It is the only party in American history that has maintained a continuous organization from the beginning of the Government to the present hour, and it will not die until the Republic dies and the principle of

liberty shall have faded from the souls of men. [Applause.] The sustaining power of its beliefs has enabled it to survive the reverses of half a century, reverses that would have crushed any other political party on earth. The inherent deathlessness of its devotion to the principle of equal rights has armed it with a power of more than mortal essence, a vision of elemental sweep. Never has it doubted the coming of the hour when the spirit that flowed from the pen of Jefferson through the souls of former generations into this would lift it to its own again. [Applause.] The elections of 1910 indicate beyond all question that its vindication is at last at hand. [Loud applause.] It now appeals to the American people whose happiness it established, whose freedom it conceived and whose prestige it preserved, whose welfare is its proudest object and purest aim, whose interests it will vigilantly guard in the Congress it is soon to control, to the American people, regardless of section or prior political affiliation, to unite beneath its banners in 1912 as in 1910, and gathering at the ballot box, that solemn altar of the people's rights, to banish privilege, to exalt equality, to rebuke oppression, to strengthen brotherhood, to erect again the principle that a people's liberties shall be reflected in a people's laws. [Loud and continued applause on the Democratic side.]

[Mr. WEBB addressed the committee. See Appendix.]

[Mr. O'CONNELL addressed the committee. See Appendix.]

Mr. FOSS. Mr. Chairman, the bill before the committee is the naval appropriation bill, making appropriations for the naval service for the year ending June 30, 1912. I desire to call the attention of the committee briefly to a few matters in connection with this bill. The amount carried in the bill is $125,421,000. This is less than the appropriation act of last year by nearly $6,000,000. Our estimates this year were not as large as those of last year, owing to the fact that we have appropriations now unexpended in the neighborhood of $6,000,000 under the increase of the Navy, and these appropriations can be used until they are expended under the law. I shall place in the RECORD an analysis of the naval appropriation bill.

Analysis of naval appropriation bill, 1911.

Total of bill		$125,421,538.24
Increase of the Navy, involving new construction only		25,755,547.67
Balance, giving the cost of maintenance for entire Navy and Marine Corps		99,665,990.57
Maintenance of Marine Corps, including public works		7,393,358.28
Balance, maintenance of Navy alone		92,272,632.29
Maintenance, personnel of Navy alone, as follows:		
Pay of the Navy	$35,069,026.00	
Pay, miscellaneous	1,000,000.00	
Provisions, Navy	7,430,000.00	
Naval Academy, exclusive of public works	550,420.00	
Bureau of Navigation, exclusive of public works	3,331,436.29	
Naval Home, Philadelphia	72,829.00	
Bureau of Medicine and Surgery, exclusive of public works	442,000.00	
Total, personnel		47,895,711.29
Total material, exclusive of new construction		44,376,921.00
Analysis of material, as follows:		
Powder	$4,000,000.00	
Ordnance material and stores	7,820,000.00	
Naval Militia	125,000.00	
Total material, ordnance	11,945,000.00	
Coal	4,000,000.00	
Total, ordnance and coal		15,945,000.00
Balance of material, exclusive of ordnance and coal		28,431,921.00
Public works, yards and docks (exclusive of Marine Corps)	$6,554,977.00	
Maintenance, yards and docks	1,540,000.00	
Depots for coal	500,000.00	
Total public works and maintenance		8,594,977.00
Balance		19,836,944.00
Construction and repair	$8,596,144.00	
Steam engineering	6,394,000.00	
Equipment of vessels	3,843,300.00	
Total maintenance of material of ships		18,833,444.00
Balance for various miscellaneous and contingent expenses		1,003,500.00
Contingent expenses of various bureaus:		
Navy	$46,000.00	
Equipment	10,000.00	
Yards and docks	30,000.00	
Supplies and accounts	159,000.00	
Ordnance	9,500.00	
Total contingent	254,500.00	
Miscellaneous expenses:		
Lepers, Guam	14,000.00	
Freight, supplies and accounts	535,000.00	
Ocean and lake surveys	125,000.00	
Crypt, John Paul Jones	75,000.00	
Total contingent and miscellaneous		$1,003,500.00

The total is $125,421,000. Of this, $25,755,000 is appropriated for the increase of the Navy, to carry on the work of the construction of the ships already authorized and those authorized in this bill. If you subtract the $25,000,000 from the $125,000,000, the total amount, we have then about $100,000,000, which is for the maintenance of the Navy and public works, and so forth, authorized in the bill. If we never authorized a single ship, I believe that this amount of $100,000,000 would be sufficient to maintain the Navy.

I shall not go further into the analysis of this bill, but I wish to call attention to the naval program which we recommend this year. The committee recommends two battleships, 27,000 tons, to cost $11,835,000 each; two colliers of $1,000,000 each; eight torpedo-boat destroyers of $825,000 each; four submarines, at $500,000 each; making in all a naval program costing $34,270,000. The committee had before it the recommendations of the General Board as to what our naval program should be this year.

The General Board is presided over by Admiral Dewey, and upon it are many eminent officers of the Navy. This board recommends four battleships—twice as many as we recommend; 16 destroyers—twice as many as we recommend; one repair ship, four scouts, two tenders, four destroyers, two tenders for submarines, four colliers, three gunboats, two tugs, one minelaying vessel, two transports, and one hospital ship. If this program had been recommended by the committee and it had been adopted by Congress, it would have cost $87,000,000. This was the program, as I said a moment ago, which was recommended by the General Board, but the committee recommended a program which costs, as I have said before, $34,270,000.

Now, there are a few matters to which I desire to call the attention of the committee in the construction of our ships. Some of our ships which have been authorized heretofore are unfortunately in rather a bad way by reason of legislative restrictions which have been placed by Congress upon their construction. For instance, in the act of May 13, 1908, Congress provided for the building of two fleet colliers, 14-knot speed, to carry 12,500 tons of cargo and bunker coal, one to be built in a Government navy yard on the Pacific coast.

A limitation was placed upon the cost of this collier of $900,000, and raised the following year to $1,000,000, but we have not yet been able to build it for that amount. The act provides that this ship shall be built in a Government navy yard, and it costs a great deal more than that to build a collier in a Government navy yard. We built two colliers only a few years ago in Government navy yards. One of them was the *Vestal*, built at the New York yard, which cost $1,625,000; the other the *Prometheus*, built at Mare Island, which cost $1,516,000.

Mr. KNOWLAND. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. KNOWLAND. Is it not a fact that with the present $1,000,000 limitation the Navy Department did not receive any bids for the colliers authorized last year?

Mr. FOSS. Well, I have not reached that yet, but I will in just a moment. The gentleman is right. Now, the Navy Department has received bids to build colliers and has constructed colliers at less than $900,000. William Cramp & Sons built the *Cyclops* at $822,500, but under the limitation which has been placed by Congress to build a collier in the Pacific coast navy yard it will be impossible to build it within the limit of cost of $1,000,000.

Mr. HAMLIN. Will the gentleman yield just there?

Mr. FOSS. Yes.

Mr. HAMLIN. Can the gentleman explain why it is that these vessels can be built so much cheaper in a private yard than in a Government yard?

Mr. FOSS. I will reach that a little later, I will say to the gentleman. I have spoken of the act of May 13, 1908. In the

act of March 3, 1909, one fleet collier was authorized not to exceed in cost $900,000. That is under construction by the Maryland Steel Co., at a contract price of $889,600.

In the act of June 24, 1910, last year, Congress authorized two fleet colliers of the same speed and capacity as those heretofore mentioned, the cost not to exceed $1,000,000 each, and provided that the eight-hour law should apply to their construction. No bids were received for those colliers from eastern yards, but one bid was made by the Union Iron Works, of San Francisco, to build one at $1,596,500, and there was an irregular bid from Moran & Co., of Seattle of $887,000, but that was unaccompanied by any check or bond for performance. This bid of Moran & Co. was thrown out, but these colliers we have not been able to construct by reason of this eight-hour limitation, which was placed upon the construction of these colliers in the last Congress.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. HUMPHREY of Washington. I did not understand the gentleman's figures in regard to the two bids.

Mr. FOSS. The Union Iron Works bid $1,596,000, and Moran & Co. bid $987,000, but that was thrown out because it was regarded as an irregular bid, inasmuch as they did not put up a check or bond for performance.

Mr. KNOWLAND. Is it not also true there were certain limitations they put in their letter?

Mr. FOSS. I think that is true.

Mr. HUGHES of New Jersey. Did they get any estimates from the navy yards in regard to the cost of the construction of the collier?

Mr. FOSS. They had one estimate.

Mr. KNOWLAND. And that estimate was from the Mare Island Navy Yard and was $1,403,960, and I will state in that connection that when the item was first put in the naval appropriation bill and the collier was to be constructed at a private yard the limit of cost was placed at $1,800,000, but after a navy yard was selected to build the collier the price has fallen from $1,800,000 to $822,500, and since then has gradually risen until the limitation is now $1,000,000.

Mr. FOSS. Two more colliers were authorized last year, and they were required to be built under the eight-hour law, at $1,000,000 each. As it costs more to build under the eight-hour law than it does without any restriction of that kind, it has been impossible to get any bids for building these two colliers, and so to-day we have practically these two colliers with the one on the Pacific coast held up by legislative restriction.

Mr. KNOWLAND. You had one bid from a private yard of $1,500,000, $100,000 more than the bid of the Mare Island yard.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. FITZGERALD. You say the Navy contends it will increase the cost by 21½ per cent to get them built under the eight-hour law? That is the testimony, as I recall.

Mr. FOSS. That is substantially correct. I think the Secretary was discussing the subject of battleships at that time and not the subject of colliers.

Mr. FITZGERALD. But the same reasoning would apply, if the gentleman will permit. Forty per cent of the cost of a battleship is labor and the balance is material.

If the eight-hour law applied it would increase the labor cost 20 per cent, which is 20 per cent of 40 per cent, or about 8 per cent, but under the extraordinary opinion of the Attorney General, rendered last summer, that this provision requiring these vessels to be constructed under the eight-hour law applied only to the men who were working on the ship itself and not to the men working in the shops, and would increase the cost about 4 per cent, does not apply to the men engaged in building the machinery in shops or doing any work in the shops at all. Where does this 21½ per cent increase come under the circumstances?

Mr. FOSS. I want to say that our experience has been that the building of colliers in navy yards has cost about 50 per cent more than if by private contract.

Mr. FITZGERALD. The gentleman knows that was true in years when there was competition, but if there is no competition in the yards the price of private contracts immediately jumps from 60 to 80 per cent.

Mr. FOSS. The gentleman from California [Mr. KNOWLAND] has referred to the estimate that was made by the Mare Island Navy Yard at $1,403,000, if I remember rightly, to build a collier in the navy yard, whereas to-day we have similar colliers being built by private contract at the Maryland Steel Co. and also at Cramps for less than $900,000.

Mr. KNOWLAND. But they refused to bid for another at that figure, even before the eight-hour limitation was put on.

Mr. FOSS. I do not agree with the gentleman on that.

Mr. KNOWLAND. Well, the facts show it.

Mr. FOSS. So much for the situation with regard to colliers.

Now, I wish to take up the subject of battleships, and, I may say, in this bill we put in a provision here under "Increase of Navy" which allows the Secretary of the Navy to build these colliers by private contract and without the eight-hour limitation. In my judgment it will mean a saving of $1,000,000 if we can build these colliers by private contract and without the eight-hour restriction. We can build them for less than $1,000,000 each, whereas if one is built in a Government navy yard and the other two under the eight-hour law they will cost at least a million more.

Mr. HARDY. Will the gentleman permit? Has the committee ever undertaken to find out why a man in the Government employ can not do as much work as he can for a private individual?

Mr. FOSS. He gets paid for holidays. There are seven holidays, and then, in addition to the seven holidays every year, he is given 13 half Saturdays during the summer months, and then, in addition to that, he is given 15 days leave of absence, for which he is paid. In the Government navy yard he practically gets 28½ days each year for which he is paid.

Mr. HARDY. Does that apply to the ordinary laborer who is employed by the Government?

Mr. FOSS. Yes; that applies to all labor employed by the Government in the navy yards.

Mr. HARDY. Do these yards discharge a number of employees so as to cut down expenses?

Mr. FOSS. Undoubtedly they discharge men when they do not need them. Then, as I said a moment ago, in addition to that, the wages of the men in the navy yards are considerably higher. One of the chiefs of a bureau stated in his hearing that they were 20 to 25 per cent higher in a navy yard than in a private concern.

Mr. CALDER. Does the gentleman yield?

Mr. FOSS. Yes.

Mr. CALDER. Does not Admiral Watt, in his testimony, say that the output per man for a working-day is fully as great in the navy yards as in the private yards, in his judgment.

Mr. FOSS. I think he made that statement.

Mr. CALDER. He says that in his testimony. He says, "I make this statement without any reservation whatever."

Mr. BUTLER. He says that skilled labor is used instead of common labor.

Mr. PADGETT. He stated that, with the cost of holidays, and so forth, the cost was much greater in the navy yards than in the private yards.

Mr. LOUD. Did he not also state that skilled labor was used instead of common labor?

Mr. FOSS. Yes; and in private yards they work by piecework and subcontracts, and that is not generally true with respect to Government yards.

This expense of leaves of absence amounts to a good deal in our Navy every year. In all the navy yards and stations 15 days' leave of absence amounted to $963,000 during the last fiscal year, and then the seven holidays and the Saturday afternoons amounted to $591,000 in the fiscal year 1910.

Mr. HARDY. That, however, includes the men that would be employed on these colliers, together with all the men that are now employed, does it not?

Mr. FOSS. Yes. That would include all the men that are engaged in work in any way in the navy yards while colliers were being built or on repair work on the ships.

Mr. HARDY. You get rid of only a very small part of that cost by having these colliers built by private contracts?

Mr. FOSS. No.

Mr. HARDY. You have still got these other employees?

Mr. FOSS. Oh, yes; we still have the other employees.

Mr. HARDY. Did the committee investigate in order to see by what per cent the force would be increased if these colliers were built in a navy yard?

Mr. FOSS. No; the committee did not investigate the increase of force necessary.

Mr. HARDY. Would not that be a very small increase in proportion to the extra expense occasioned on account of present number of employees?

Mr. FOSS. That depends on the size of the ship you are building, of course. The collier is much smaller than a modern battleship. It does not cost as much, and it does not require nearly as many men to construct it.

Mr. HARDY. What I want to know is, how much saving from the expense of these holidays and this vacation would result from the building of these colliers in the private shipbuilding yards?

Mr. HUGHES of New Jersey. The gentleman from Illinois knows it would not make any difference at all.

Mr. FOSS. If you are building a battleship, it is necessary to have more men there, and the more men you have the greater will be the cost for these holidays and Saturday afternoons.

Mr. HARDY. I know the gentleman did not intend that inference to be drawn from his reply, but from the way the statement comes out it seems to leave the inference that by having these colliers built by private contract you would save the $963,000 for leaves of absence and the $591,000 for holidays and Saturdays, whereas my understanding is that the saving would be but a very small proportion of that.

Mr. FOSS. No. The saving depends upon the amount of work done in the navy yard, and if you are building a great battleship in the navy yard probably nine-tenths of the activities of the yard, or at least three-fourths of the activities of the yard, are centered around that battleship.

Mr. HARDY. It occurs to me that the actual saving is that proportion of this $900,000 and this $590,000 that is borne by the increased force necessary as compared with the regular force.

Mr. FOSS. Yes; it would be proportional to the number.

Mr. HARDY. And that increase, as I understand, you have not figured out?

Mr. FOSS. No; we have not figured on it.

Mr. PADGETT. Coming down to a concrete proposition, I may say that we authorized in the former bill two battleships, sister ships—one let at private contract and the other to be built at a Government navy yard. The contract price for the battleship that was to be built in a private yard was $3,946,000. For the battleship that was authorized to be built in a navy yard the limit of cost was fixed at $6,000,000, and that limit is increased in this bill by $400,000, so that in the end the battleship built in the private yard will have cost $3,946,000, while the navy-yard ship will have cost $6,400,000.

Mr. FITZGERALD. Yes; but you have included over $900,000 of overhead charges which practically go on in the yard whether the ship is building there or not.

Mr. PADGETT. Yes; but the other one has overhead charges, too.

Mr. FITZGERALD. What other one?

Mr. PADGETT. We are just taking the actual cost of a contract ship, and what an identical ship costs when built in a navy yard.

Mr. FITZGERALD. You have charged about $900,000 of the regular maintenance expense that should not be charged against the ship built in the navy yard, as I can demonstrate.

Mr. PADGETT. Admiral Watt testified that the increased cost of a navy-yard-built ship was 58 per cent, and there is no use in our dodging around that question.

Mr. FITZGERALD. Which statement is incorrect, of course.

Mr. PADGETT. It is correct, if you will take the figures here, $3,946,000 for the ship built under contract and $6,400,000 for the ship built in the navy yard.

Mr. STERLING. Will the gentleman from Illinois [Mr. Foss] yield for a question?

Mr. FOSS. Yes.

Mr. STERLING. Is it not a fact that the vessels built in the Government yards are better built than those built in private yards?

Mr. FOSS. That question was put up to the Secretary of the Navy in our hearings this year, and he stated that he saw no difference, that the contract-built ship was as well built as the navy-yard-built ship.

Mr. STERLING. I should like to ask one more question.

Mr. FOSS. Yes.

Mr. STERLING. Does the gentleman think that the fact that the Government is prepared to build these ships, and the fact that it maintains yards to build them, has any influence on the bids by private parties? Does it not tend to keep down the cost of building in that way?

Mr. FOSS. In my judgment it has not had any effect whatever; that is to say, before we entered upon the construction of ships in the navy yards, we were getting our battleships built at a reasonable cost, and much less than the cost of the ship that was built in the Government navy yard.

Mr. STERLING. That was at a different period, when material and labor were lower, was it not?

Mr. FOSS. I have here a table showing the cost of our battleships that we have in the Navy to-day, from the *Indiana* down to the present time, and it shows that there has been a gradual reduction in the cost per ton right along down by private contracts, and that the ships which have cost the most have been those built in Government navy yards.

Cost of battleships, hull and machinery, exclusive of armor and armament, as reported by the Bureau of Construction and Repair, December 10, 1910.

BATTLESHIPS.

Ships.	Authorized.	Normal displacement.	Contract price.	Cost per ton of normal displacement.
		Tons.		
Indiana	1890	10,288	$3,063,000	$297.72
Massachusetts	1890	10,288	3,063,000	297.72
Oregon	1890	10,288	3,222,810	313.26
Iowa	1892	11,346	3,010,000	265.29
Kearsarge	1895	11,520	2,250,000	195.31
Kentucky	1895	11,520	2,250,000	195.31
Alabama	1896	11,552	2,650,000	229.40
Illinois	1896	11,552	2,595,000	224.64
Wisconsin	1896	11,552	2,674,950	231.56
Maine	1898	12,500	2,885,000	230.80
Missouri	1898	12,500	2,885,000	230.80
Ohio	1898	12,500	2,899,000	231.92
Virginia	1899	14,948	3,590,000	240.16
Nebraska	1899	14,948	3,733,600	249.77
Georgia	1899	14,948	3,590,000	240.16
Rhode Island	1900	14,948	3,405,000	227.79
New Jersey	1900	14,948	3,405,000	227.79
Connecticut	1902	16,000	[1] 4,562,094	285.13
Louisiana	1902	16,000	[2] 4,188,468	261.78
Vermont	1903	16,000	4,179,000	261.19
Minnesota	1903	16,000	4,110,000	256.88
Kansas	1903	16,000	4,165,000	260.31
Idaho	1903	13,000	2,999,500	230.73
Mississippi	1903	13,000	2,999,500	230.73
New Hampshire	1904	16,000	3,748,000	234.25
South Carolina	1905	16,000	3,540,000	221.25
Michigan	1905	16,000	3,585,000	224.06
Delaware	1906	20,000	3,987,000	199.35
North Dakota	1907	20,000	4,377,000	218.85
Florida	1908	21,825	[3] [4] 6,000,000	274.91
Utah	1908	21,825	[4] 3,946,000	180.80
Wyoming	1909	26,000	[4] 4,450,000	171.15
Arkansas	1909	26,000	[4] 4,675,000	179.81
Texas	1910	27,000	[5] 5,760,000 to 5,830,000	213.33 to 215.93
New York	1910	27,000	[6] 7,293,000	270.11

[1] Built at navy yard, New York, N. Y.; actual cost, as reported to Congress, by the Navy Department on Apr. 18, 1908.

[2] Actual cost, including all bureau, navy-yard inspection, changes, and other charges not included in contract price in same manner as said charges were made for sister vessel, the Connecticut, and in order to be directly comparable therewith. This cost is as reported to Congress by the Navy Department on Apr. 18, 1908.

[3] Building at Navy yard, New York, N. Y.; limit of cost.

[4] Loading at normal displacement greater than for previous ships.

[5] Bids of Newport News Shipbuilding & Dry Dock Co. were $5,760,000, $5,775,000 $5,790,000, $5,830,000, depending on plans and type of machinery. Contract not ye, awarded.

[6] Estimated cost as submitted from the navy yard, New York, N. Y.

Since the receipt of the above communication the Committee on Naval Affairs has been informed by the Navy Department, under date of December 7, 1910, that the limit of cost of the *Florida*, hull and machinery, exclusive of armor and armament, will be $6,400,000, making the cost per ton of normal displacement $293.24, instead of $274.91, as set forth in the above table. The *Florida* is being built in the navy yard at New York, and her sister ship, the *Utah*, is being built by private contract at the cost of $180.80 per ton of normal displacement. The navy-yard-built ship is being built at an increased cost of $112.44 per ton of normal displacement over her sister ship, the *Utah*, which is being built by private contract.

Mr. STERLING. I understand it is your opinion, then, that the fact that we have navy yards where it is possible to build these ships without resorting to private contracts has had nothing to do with the gradual reduction in cost.

Mr. FOSS. In my opinion, it has had no effect whatever.

Mr. CALDER. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. CALDER. Did not Admiral Watt, in his testimony, say that the building of the *Connecticut* at a Government yard had a very salutary effect upon the bidders for the vessels after that period?

Mr. FOSS. I think Admiral Watt did say that. He is a naval constructor; but I would say to the gentleman that the *Connecticut* cost $285 a ton. The ship prior to the *Connecticut* was the *New Jersey*, and that ship cost $227 a ton. There is a difference of nearly $50 per ton in favor of the private-contract ship. Then the next, after the building of the *Connecticut* in a Government navy yard, was the *Vermont*.

The *Vermont* was built for $261 per ton. That is $24 per ton less than the *Connecticut*. Since that time there has been a reduction per ton in the cost of ships, until we get down to the *Wyoming*, which cost only $171 per ton. There has been a gradual reduction in the cost of the building of ships.

Mr. PRINCE. Will the gentleman yield?

Mr. FOSS. I will yield to my colleague.

Mr. PRINCE. Will the gentleman be kind enough to tell us when the *Texas* was built and how much it cost?

Mr. FOSS. The *Texas* was built at a Government navy yard a good many years ago—in 1892—nearly 20. It was built in a Government navy yard, and it cost nearly as much to build the *Texas*, a ship of about 6,000 tons, as it did to build the *Indiana*, which is a ship of 10,000 tons.

Mr. PRINCE. What was the cost?

Mr. FOSS. About $3,000,000.

Mr. PRINCE. Is the *Texas* now used as a part of the naval force?

Mr. FOSS. She is out of commission.

Mr. PRINCE. Is it true, as has appeared in the public prints, that it is to be manned with manikins and used as a target for destruction?

Mr. FOSS. I have not heard anything about it.

Mr. PRINCE. It is so stated in the public prints.

Mr. FOSS. It may be; she is not good for much else, as far as that is concerned.

Mr. PRINCE. Could not she be used as a training ship for students at Annapolis?

Mr. FOSS. She is not an up-to-date ship. She was a poorly constructed ship, built on English plans which the Secretary of the Navy, Mr. Whitney, I think, secured from an English naval architect. It was our first experience in building ships in the navy yard. The old *Texas* has always been regarded as the clown of the American Navy.

Now, Mr. Chairman, in regard to battleships, I have spoken of the difference in cost of building ships in Government yards and private yards, with reference to colliers.

Under the act of May 13, 1908, Congress authorized the construction of two first-class battleships, to cost, excluding armor and armament, not to exceed $6,000,000, and provided that one ship should be built in the navy yard. These battleships were afterwards named the *Utah* and the *Florida*. The *Florida* is under construction to-day in the New York Navy Yard, and the *Utah* is being built by a New York shipbuilding company, and her contract price is $3,946,000 for hull and machinery. But this year in our naval appropriation bill we are recommending a provision to increase the limit of cost on the *Florida* from $6,000,000 to $6,400,000. So that this navy-yard battleship will cost $6,400,000, whereas her sister ship is now under contract, being built by a New York shipbuilding company, for a little less than $4,000,000. It cost the United States Government two and a half million dollars more to build this battleship in a Government yard than to build it by private contract. Now, do you want to do it? Here is the letter of the Secretary of the Navy on the subject:

BATTLESHIP "FLORIDA," TO INCREASE LIMIT OF COST.

NAVY DEPARTMENT,
Washington, December 7, 1910.

SIR: I have the honor to inclose herewith for your information copy of the department's letter of this date addressed to the chairman Committee on Appropriations, House of Representatives, relative to making a provision for increasing the limit of cost, exclusive of armor and armament, of the battleship *Florida*, authorized by the act of Congress approved May 13, 1908, to $6,400,000, an increase of $400,000.

Respectfully, yours, G. V. L. MEYER.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

NAVY DEPARTMENT,
Washington, December 7, 1910.

SIR: In order that there may be no interruption in the orderly progress of work on the battleship *Florida*, and to avoid any delay in her completion and consequent commissioning, a provision should be made increasing the limit of cost, exclusive of armor and armament, of the battleship *Florida*, authorized by the act of Congress approved May 13, 1908, to $6,400,000, an increase of $400,000. A provision such as suggested will not require additional funds at this time, as there was a sufficient margin between the limit of cost and the actual cost of the *Utah* to more than offset the increased expenditures on the *Florida*.

The progress of work on the *Florida* at the navy yard, New York, has been such as to now indicate that it can not be completed within the limit of cost of $6,000,000, and an increase of $400,000 will be required, which will be at a cost per ton of normal displacement of $293.24, as compared with a cost of $180.80 per ton of normal displacement for the *Utah*, the contract price of which is $3,946,000.

The department respectfully urges that a provision such as herein suggested be included in an urgent deficiency bill in addition to the estimate of $550,000 under the appropriation "Public works, Bureau of Yards and Docks, navy yard, New York, N. Y.," for dry dock No. 4, transmitted to the Secretary of the Treasury under date of December 5, 1910.

Respectfully, yours, ——— ———.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

Mr. CALDER. Will the gentleman yield?

Mr. FOSS. Certainly.

Mr. CALDER. Is not a million dollars of that in overhead charges, which will be fixed charges on the yard?

Mr. FOSS. Nine hundred and fifty thousand dollars in overhead charges; yes. These overhead charges relate to shop expense, power expense, and to general expense. Every yard has its charges of maintenance. If you build a battleship in it, it costs so much more to maintain it than if you did not. Nine hundred thousand dollars of indirect charges have been charged up against this battleship which never would have been expended if this battleship had not been constructed there.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOSS. Certainly.

Mr. FITZGERALD. The *Utah* is a 21,000-ton ship?

Mr. FOSS. Twenty-one thousand eight hundred and twenty-five tons.

Mr. FITZGERALD. The *Louisiana* is 16,000?

Mr. FOSS. Sixteen thousand tons; yes.

Mr. FITZGERALD. The contract price of the *Louisiana* was $3,390,000, built in competition with the *Connecticut?*

Mr. FOSS. The contract price is $4,188,000; that is, the *Louisiana.*

Mr. FITZGERALD. The contract price of the *Delaware* was $4,000,000?

Mr. FOSS. Three million nine hundred and eighty-seven thousand.

Mr. FITZGERALD. That was a sister ship?

Mr. FOSS. She was a ship of 20,000 tons.

Mr. FITZGERALD. The *Connecticut* and the *Louisiana* were the first ships about which there was any competition between the navy yards and private construction?

Mr. FOSS. The *Connecticut* and the *Louisiana;* yes.

Mr. FITZGERALD. The next competition was on the *Utah* and the *Florida?*

Mr. FOSS. Yes.

Mr. FITZGERALD. And when this competition was initiated the department was able to get a contract for something less than $4,000,000 for a 21,000-ton ship, when previously it had made a contract for a 16,000-ton ship for more money. Does the gentleman think that the competition had anything to do with the fact that they put the price down on a ship 25 per cent larger?

Mr. FOSS. I do not think it had anything to do with it. I do not think the building of a ship in the Government navy yard has anything to do with it. If the ship in the Government navy yard had been built for less than we had built any ship in the Navy, then it would have had something to do with it, but the *Connecticut* cost a good deal more than any ship built immediately preceding or thereafter.

Mr. FITZGERALD. It cost about $400,000 more, and that was the first time a ship was ever built in the navy yard, and a ship was built in competition with it. And it was the first time ships were ever built within three years of the time fixed in the contract.

Mr. FOSS. I do not understand.

Mr. FITZGERALD. These two ships, the *Louisiana* and the *Connecticut*, were the first two ships in the history of the Government that were ever built within three years of the time fixed in the contract for the building of the ships.

Mr. FOSS. I would hardly think that is true, I would say to the gentleman. I have not looked it up.

Mr. FITZGERALD. I have looked it up very carefully, and I never found one that was built in less than from 36 to 42 months over the time fixed by the contract until the private builders were put in competition with the Government yards. Instead of taking three years time, the time fixed in the contract, they took seven years, and the ships were almost obsolete before they were half completed, and the changes that were made necessary in them were changes that resulted in enormous profits to the private builders.

Mr. STERLING. How many companies are there in the United States capable of building ships like this?

Mr. FOSS. I will reach that question a little later, I will say to the gentleman. I want to go on now with this matter of battleships. I have just said that there is a difference of about two millions and a half in building the *Florida* in a Government navy yard over that of the *Utah*, built by a private contract, and in this bill we have inserted a provision increasing the limit of cost on the *Florida* from $6,000,000 to $6,400,000.

Mr. CALDER. Will the gentleman yield there?

Mr. FOSS. No; I want to go along a little further and then I will yield to the gentleman.

Mr. CALDER. I want to call the gentleman's attention to the very thing he has spoken of.

Mr. FOSS. Well, if it is simply a question.

Mr. CALDER. I want to call the gentleman's attention to Admiral Watt's testimony, when he says that the estimated cost of the *Florida* is $6,153,000 and not $6,400,000.

Mr. FOSS. That is simply for his bureau and engineering, I think.

Mr. CALDER. Oh, no.

Mr. FOSS. There will be quite a little more than that added to it for equipment. I have a letter here from the Secretary of the Navy, which I shall put in the RECORD right on that point. Now, last year we provided for two first-class battleships, the *New York* and the *Texas*, and we provided that one of them should be built in the navy yard, the limit of cost not to exceed $6,000,000.

The new *Texas* is already contracted for, and you will recall that under the act of last year these ships must be built under the eight-hour law. Now, the *Texas* has already been contracted for by the Newport News Co. at $5,830,000, but the *New York*, by reason of the fact that it could not be built within the limit of cost of $6,000,000, has not yet been contracted for.

Mr. WILSON of Pennsylvania. Do I understand the gentleman to say that one of these ships has already been contracted for?

Mr. FOSS. Has been contracted for with this eight-hour provision.

Mr. WILSON of Pennsylvania. And that the eight-hour law is in the contract?

Mr. FOSS. Yes.

Mr. WILSON of Pennsylvania. And yet it is proposed to repeal this eight-hour proviso after this contract has been made?

Mr. FOSS. It has already been contracted for with the Newport News Co., but I understand the company would be very glad to modify the price in case Congress should modify the provision under which it was authorized.

Mr. WILSON of Pennsylvania. Is there any reason why we should want to modify the law after it has been enacted?

Mr. FOSS. Well, if Congress did modify the provision in accordance with the recommendation made in this bill, it would, in my judgment, save the Government over a million dollars. If we should provide that the *New York* be constructed by private contract, without any limitation as to the eight-hour law, we would save in the construction of that ship more than two and a half million dollars, and then, with the modification of the contract of the *Texas* with the Newport News company, we would save another million, and there would be three and a half million dollars at least saved in the construction of those two battleships authorized last year.

Mr. WILSON of Pennsylvania. If the gentleman's own statement is correct, the only saving that is attained is at the expense of the wageworkers engaged in building these battleships for the Government.

According to the gentleman's own statement the only saving that is attained is by virtue of the fact that those engaged in private yards are not given the privileges that Government employees are given and are not required to cease work at the end of eight hours, as required in the Government institutions today, and they are paid less wages than they are in the Government navy yards, and consequently the only saving, according to the gentleman's own statement, is a saving at the expense of the wageworkers.

Mr. FOSS. Well, the difference in the cost of construction of ships in private yards and Government navy yards is due to a number of causes. The difference in wages is one thing, the difference in hours of labor is another thing, leaves and holidays is another. Then, too, the fact that our navy yards are under military organization is another thing.

Mr. FITZGERALD. That is only lately, is it not?

Mr. FOSS. But if our navy yards were under civilian organization I do not think there would be as great a difference.

Mr. FITZGERALD. May I ask the gentleman a question on that point? This bill has a provision which permits the so-called Meyer system to continue in force a year, has it not?

Mr. FOSS. Yes.

Mr. FITZGERALD. That is the system which has placed these yards under military control. Is not that the fact?

Mr. FOSS. They have been always under military control——

Mr. FITZGERALD. This is the provision that puts line officers who are educated to handle and fight ships in charge of construction work that they know nothing about.

Mr. FOSS. They are in charge of a large part of the industrial establishment.

Mr. FITZGERALD. Is it not a fact that great economies would be effected in this work in the yards if the line officers were sent to sea on the ships and men who have made a specialty of construction were put in charge of this work?

Mr. FOSS. Well, that is my view of it, I will say to the gentleman, and I will say further that if you separate the strictly military duties of a yard from the industrial duties and introduce more of the civilian element into the industrial operation of the yard that would bring down the cost of these Government-built ships.

Mr. FITZGERALD. Would it not be better to cease——

The CHAIRMAN. The Chair calls the attention of the gentleman from Illinois that he has but five minutes remaining.

Mr. FOSS. Now, I just want to——

Mr. FITZGERALD. Would not it be much better economy in administration if, instead of continuing the so-called Meyer plan, Congress were to stop it, and compel the department to install a plan that would result in greater efficiency and economy?

Mr. FOSS. I will say to the gentleman I am in favor of continuing this plan for the next year, so the Navy Department might have opportunity to make a fair and reasonable trial of it.

Mr. FITZGERALD. The gentleman knows it has been a failure so far. Why should he be willing to continue that plan at a greater expense to the Government and then complain against the plan of building ships which will control the operations of the Shipbuilding Trust, because he thinks we are somewhat more favorable to the mechanics than to those who have the capital invested?

Mr. FOSS. I think the department ought to have another year's trial, anyway.

Mr. FITZGERALD. I will say to the gentleman that they will not if I can help it.

Mr. FOSS. Some of the Members of the House have received a great many letters and petitions on this subject of building ships in Government navy yards, and I want to correct some of these impressions which may have gotten out. First, it has been stated that the repairs on a Government-built ship are larger than those on a private-built ship, the case of the *Louisiana* and the *Connecticut* being cited, the *Connecticut* being a navy-yard-built ship and the *Louisiana* a private-yard-built ship. Now, the facts are just the reverse, and I intend to put in the RECORD a statement showing the repairs on the contract-built ship have been less than on the navy-yard-built ship.

Statement showing cost of repairs to the U. S. S. Connecticut and to the U. S. S. Louisiana to December 1, 1910.

	Connecticut.	Louisiana.
Bureau of Equipment	$122,765.91	$53,525.51
Bureau of Ordnance	47,689.28	40,894.56
Bureau of Construction and Repair	365,779.14	308,978.02
Bureau of Steam Engineering	98,000.38	143,952.93
Total	634,234.71	547,351.02

The expenditure for the *Connecticut* includes the cost of fitting her as a flagship and for repairing her bottom after grounding; and that for the *Louisiana*, the cost of changing her engines from inturning to outturning, amounting to $17,513.53.

Mr. FITZGERALD. Is it not a fact that this report in the cost of repairs shows favorably to the private-built ship since the Meyer plan has gone into effect? It has never showed so before. The cost of repairs now seem to be higher on the yard-built ship. It never was so until the change in cost keeping, which makes a better showing for the private yard.

Mr. FOSS. Second, the statement that the building of ships in a navy yard has lowered the cost in private yards. That, in my opinion, can not be shown, as I have before stated. Third,

another reason which has been given in favor of Government construction of ships is that it tends to break up any combination on the part of private shipbuilders. This is disproved by the fact that there has been no evidence of any combination in the building of battleships. We have had a large number of bids in every case, except on the last ship, where we had only one, in consequence of the eight-hour law. We had seven bidders in the case of the *Virginia*, *Nebraska*, and *Georgia;* four bidders in the case of the *New Jersey* and *Rhode Island;* five bidders in the case of the *Connecticut* and *Louisiana;* five bidders in the case of the *Vermont* and *Kansas;* six bidders in the case of the *Minnesota* and *Idaho;* six in the case of the *New Hampshire;* five bidders in the case of the *South Carolina* and *Michigan;* four bidders in the case of the *Delaware* and *North Dakota;* four in the case of the *Florida* and *Utah;* and four in the case of the *Wyoming* and *Arkansas.*

And these bids have been sufficiently far apart, I would say—a number of thousands of dollars—to indicate that there has been no combination on the part of the shipbuilding concerns of the country.

Mr. FITZGERALD. How about the torpedo boats, where six or seven firms bid for four or five boats, and only bid for one boat apiece? Is that an indication of the combination, or just a division of the spoils?

Mr. FOSS. We have built no torpedo boats in the navy yards. There is a similarity of bids——

Mr. FITZGERALD. They bid on only one or two, between five and six firms.

Mr. FOSS. If the gentleman will permit, a torpedo-boat destroyer costs about $800,000, whereas a battleship runs up into millions of dollars, and there would be a nearer approach of bids on smaller ships than on larger ones.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Foss] has expired.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Illinois [Mr. RAINEY].

[Mr. RAINEY addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Ohio [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, in the very beginning of my remarks I wish to state that labor is a divine institution.

When the Great Creator had finished His handiwork, and the beautiful world rolled in its magnificent splendor through the fields of ether, gladdened by the rays of the sun by day and made dreamily beautiful under the sweet influence of night's luminary, He looked upon His masterpiece and said "It is good."

To rule this majestic tenant of infinite space He created man and gave him dominion over all that therein was; and when man, the greatest of all the forms of life He had called into being, disobeyed the solemn injunction He had laid down for his guidance, He deprived him of his inheritance and issued the mandate: "In the sweat of thy face shalt thou eat thy bread."

Here, then, in the infancy of the world, amid the splendors and the God-given beauties of the Garden of Eden, was the institution of labor first inaugurated by the Creator of the heavens and the earth.

The direct command to labor, and to earn the sustenance of life in "the sweat" of our face, came direct from God to man, and he who shirks this first duty and lives by the labor of others, eats his bread in the sweat of his brother's face, defies the law of both God and man, and, in his puny strength and human conceit, essays the impossible task of reordering the foundation of all human society and repealing the first great law given by the Divine Lawgiver from His throne on high.

Let, then, no man be ashamed that his creature comforts and his daily needs are secured through the sweat of his face and the labor of his hands, for he who labors follows the mandates of the King of Kings, and by reason of his labor and by reason of his obedience to this first edict of Jehovah ennobles himself beyond and above him who in idleness and disobedience receives rank from potentate or king, but who, like the lily, "toils not, neither doth he spin."

Not only to man did the injunction to labor go forth, but it attached to all animate creatures.

The beasts of the field must seek by constant bodily exercise and fatigue the sustenance provided for them.

The birds of the air must wing their flight from place to place to provide the means of existence.

The bee, that paragon of industry, must, with indomitable energy, flit from flower to flower and drop by drop gather the sweets that he is to distill and store for his reserve when the hour of enforced inaction arrives; and the drone who seeks to profit by the labor and frugality of others is driven forth to execution.

Thus, in the great scheme of creation, there is no place for the idler or the loafer. The garnered sweets of life are the fruits of labor and the badge of manhood, of respectability and native worth, is attested by the horny hand and the bronzed face and not by the tinseled decorations of kings and princes.

Labor having been instituted by divine decree and the efforts of man having provided comfort and repose, peace and plenty, another law of nature asserted itself, and that was the selfish desire of the few to live at ease at the expense of the many.

In the animal it was the physically strong who garnered where they had not strewn, and ate of the feast that the weaker had prepared for his own consumption.

The drone sipped the honey the worker had gathered from the fields and the flowers.

In man it was the cunning who preyed upon the less suspicious though more industrious brother and reaped the fruits of other's sowings.

Thus two classes arose in human society, the one the workers, who made the land to blossom and to bloom; the other the useless drone who feasted on the beauty of that blossom and the flavor of that bloom, and in idle indulgence squandered the product of his more thrifty neighbor.

In order to abate this evil and to secure to each the just reward of his efforts and compel a recognition of his divine rights at the hand of the oppressor—the cunning and unproductive drone—labor had to work in unison and harmony, each unit with other units, and thus unionism was instituted in the age of the patriarchs.

It would be well for us to understand that labor unionism is not a creature of yesterday, of last year, or of the last century, but that it is older than Christianity and dates back of the present-day civilization by hundreds and by thousands of years.

When, under the burning sun of Egyptian skies, Moses saw his brethren in bondage tottering under their burdens, and scourged by the taskmaster to an impossible exertion, his great heart was filled with sympathy and pity, it was then his great mind and great energies began to formulate a plan whereby their conditions could be improved and their labors fittingly rewarded.

He organized them, and in the secret places of the desert they formed the nucleus of that organization that was, ere long, to make the throne of the mighty Pharaoh totter to its fall.

Through their fearless and able leader, they presented their grievances to their tyrant master and demanded redress. Upon his refusal there was instituted the first strike in the history of the world. It was the strike of the unionized tribes of Israel against the long hours, the scant wages, and the vile oppressions of the Pharaohs. And the strike was won.

Though it took the scourge of plagues and the intervention of Deity, yet that first labor organization carried to a successful conclusion their inaugural strike. The demands of Israel were complied with. They were allowed to go out to seek other employment in their own way and under their own laws and wage scales.

But, like some of the Pharaohs of the present generation, their master repented his generosity and sent his armies to force them back.

There was the first military intervention to force upon labor the will and the wage scale of the employer. But it failed, and that army was swallowed up in the waters of the sea.

Coming on down through the ages, we again find in Holy Writ evidences of labor organizations.

At the building of Solomon's Temple the Tyrean artisan and labor leader, Hiram, organized the laborers on that work, and so thoroughly was the organization perfected that the laborer who accepted a wage other than that fixed by the union's wage scale was driven out by his fellows and stoned. Solomon's Temple, the greatest, the most stately, and magnificent structure of antiquity, that sanctuary for the Ark of the Covenant and the worship of the great and only God, was constructed by organized labor.

Through the history of Greece during the Golden Age and in the history of Rome when she sat upon her seven hills and ruled the world we find labor organizations as part and parcel of the great scheme of administration.

So, my friends, you see the wisdom of the ancients, as well as the civilization of the present, give indorsement to the creed that the laborer is worthy of his hire, and in order to force from greed and oppression that just hire the laborer, the artisan, and

the craftsman have, in all ages, combined and worked together in unionized society for the protection and the uplift of him who, following the divine injunction given at the portals of Eden the Blest, bade man go forth to "eat his bread in the sweat of his face."

To those who have not given the labor question a careful study and who know the labor union only as it exists to-day, it might appear that the organization has simply been the result of a social and economic evolution, made necessary by the changing industrial conditions of the universe. But the right of the workingmen to organize for the purpose of protecting themselves, for bettering their wages, for improving their social and educational standards, and even to prevent the wealthy classes from grinding them into a state of abject servility has been won only after the most strenuous and heroic efforts on the part of able, aggressive, and fearless men.

In this connection, I want to read an article which appeared in a recent issue of the Outlook Magazine, written by Samuel Gompers, president of the American Federation of Labor, on "Labor's struggle for the right to organize:"

LABOR'S STRUGGLE FOR THE RIGHT TO ORGANIZE.

[By Samuel Gompers, president of the American Federation of Labor.]

Laboring men have been subjected to many relentless prosecutions and bitter persecutions in the years gone by when making a collective effort to promote their own welfare and prosperity. The most oppressive enactments commenced in England in or about the year 1348, soon after the black plague. The black plague cut down the ranks of the laborers particularly; it has been estimated that 50 per cent of the laborers perished during that epidemic. This reduction in the supply of workers had the effect of practically doubling the rate of wages, and a statute was passed by Parliament prohibiting laborers from accepting higher wages than they had been receiving before the black plague. Another statute was passed going so far as to prescribe what the workers should eat and their clothing. That statute made it a penal offense for a laboring man to eat better food or wear better clothing than the prescribed limitations written in the statute.

Some 200 years later the English Parliament, in 1563, enacted a statute authorizing justices of the peace to fix the wages of laborers in England, and made it a crime for laboring men to accept higher wages than those prescribed by the justice of the peace, and that statute remained in effect and was rigidly enforced for a period of 250 years; and it was not until the year 1815 that this rigorous and abhorrent statute was repealed, and only then because the justices of the peace were suspected of being too liberal toward the English workers.

In or about the year 1553 the English Parliament enacted a law making it an "infamous crime" for workingmen to meet for the purpose of discussing the wages they should expect or the hours per day that they would toil, and in 1796 a similar statute was reenacted making it a crime for workingmen to assemble to discuss the hours of toil, the rates of wages, or any question bearing upon their industrial conditions. It was not until 1825 that this legal ban was removed from the workers of England, and even then the organizations that they had established received no legal status—they had no standing in the courts of the nation. It is recorded that as late as 1869 an official of a labor organization who had embezzled the funds belonging to his organization was prosecuted for the alleged crime, but the court dismissed the action on the ground that "labor organizations were unknown to the law of England, and the person committing the theft had not perpetrated a crime."

Prior to 1824 the law of England treated the workingmen who endeavored to secure an amelioration of their condition with great severity; strikes of any magnitude or duration were almost impossible, as all attempts at organization for such a purpose were prevented, as far as it was possible, by the law against combination which was then in force. The great labor disputes which had taken place previous to that time, and, in fact, for years afterwards, were spasmodic outbreaks of actual industrial revolt against innumerable grievances instead of deliberate arrangements and skillfully organized systems for bringing about rational changes in existing industrial conditions.

The combination laws in operation from 1799 to the time of their repeal in 1825 were extremely stringent in character; in fact, the preamble of the act of 1799 strikes the keynote of the industrial legislation of that period, in which it was stated: "Whereas great numbers of journeymen manufacturers and workmen in various parts of this Kingdom have, by unlawful meetings and combinations, endeavored to obtain advance of their wages and to effectuate other illegal purposes, and the laws at present in force against such unlawful conduct have been found to be inadequate to the suppression thereof, whereby it has become necessary that more effectual provision should be made against such unlawful combinations and for preventing such unlawful practices in the future and for bringing such offenders to more speedy and exemplary justice."

The act went further, and declared null and void all agreements "between journeymen manufacturers or workmen for obtaining an advance of wages or for lessening or altering their hours of labor and for various other stated purposes." Even the act of 1825 held that it was "unlawful for persons to meet for the purpose of consulting upon and determining the rate of wages or prices which the persons present at such meeting should demand for their work."

The interpretation of the law was left to the courts, and the judges promptly declared labor combinations to be unlawful at common law on the ground "that they were in restraint of trade." These decisions led to further and continued agitation on the part of the workmen, and in 1859 a law was enacted providing that workmen should not be held guilty of "molestation" or "obstruction" under the act of 1825 simply because they entered into agreements to fix the rate of wages or the hours of labor or to endeavor peaceably to persuade others to cease or abstain from work to produce the same results. Again the interpretation of this law by the courts was unsatisfactory to its creators, and in 1867 a royal commission was appointed to inquire into the subject and report upon it to Parliament. The result of this investigation brought forth two acts in 1871—(1) the trade-union act; (2) the criminal-law amendment act. The latter statute repealed the acts of 1825 and 1859. This new act made some stringent provisions against employers and against employees in order to prevent alleged coercion, violations, threats, etc. But there was no prohibition against doing or conspiring to do any act on the ground that it was in restraint of trade, unless it came within the scope of the enumerated prohibitions.

It was thought that by the passage of these two acts ordinary strikes would be considered legal, providing the prescribed limits were not exceeded. It was generally understood that if men undertook a strike they were not in danger of being prosecuted for criminal conspiracy. But in the following year Justice Brett held that "a threat of simultaneous breach of contract by men was conduct which the jury ought to regard as a conspiracy to prevent the company carrying on its business." The workmen were sentenced to 12 months' imprisonment. This decision and the severity of the sentence caused a widespread agitation in the country and a great revulsion of feeling, so much so that it resulted in the appointment of another royal commission, which reported to Parliament further alterations in the law, and in 1875 the home secretary, Mr. R. A. Cross, introduced a bill in Parliament entitled "The conspiracy and protection of property act." The bill passed and was approved August 13, and is known as the "Trade-union act of 1876." The former picket clauses of the act of 1871 were retained in the new law, but this important addition was incorporated in the act: "An agreement or combination of two or more persons to do, or to procure to be done, any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be punishable as a conspiracy if such act as aforesaid when committed by one person would not be punishable as a crime." And in another section the definition of a trade-union is thus stated: "The term 'trade-union' means any combination, whether temporary or permanent, for regulating the relations between workmen and masters or between workmen and workmen or between masters and masters or for imposing restrictive conditions on the conduct of any trade or business, whether such combinations would or would not, if the principal act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade." Generally speaking, this act gave the English workingmen a wider latitude. One of the trade-union reports says concerning it:

"It has permitted us to do in combination what we are permitted to do as individuals, but which we were prohibited from doing in association before that law came into effect; it has more particularly established our rights; it has given us certain privileges and restrictions, and at the same time has laid equal privileges and restrictions upon employers."

In an important test case, "Allen *v.* Flood," on December 14, 1897, this act was sustained, and the British workmen believed that the code of industrial warfare was precisely defined so that they could carry on either defensive or offensive operations against employers without subjecting themselves to the penalties of the law. But in June, 1900, the celebrated Taff-Vale Railway dispute took place, in which a railway company obtained a decision with damages allowed in the sum of $119,842 for the alleged injury done to the railway company by the loss of its business and the extra expense involved arising out of "unlawful and malicious conspiracy of the defendants." This decision was rendered by Mr. Justice Farwell. An appeal was immediately taken to the court of appeals, which held that "there was no section in the acts of 1871 and 1876 empowering a trade union to sue or be sued, and that if the legislature had intended to make that possible, the legislature well knew how in plain terms to bring about such result;" and, further, the court of appeals ruled in conclusion: "As there is no statute empowering this action to be brought against the union in its registered name, it is not maintainable against the Amalgamated Society of Railway Servants, and these defendants must therefore be struck out, the injunction against them must be dissolved, and the appeal as regards these defendants must be allowed with costs here and below."

From this judgment of the court of appeals the Taff-Vale Railway Co. appealed to the House of Lords, and in pronouncing the concluding opinion of that court the lord chancellor said: "In this case I am content to adopt the judgment of Justice Farwell, with which I entirely concur; and I can not find any satisfactory answer to that judgment in the judgment of the court of appeals which overruled it. If the legislature has created a thing which can own property, which can employ servants, which can inflict injury, it must be taken, I think, to have impliedly given the power to make it suable in a court of law for injuries purposely done by its authority and procurement. The judgment of the court of appeals is reversed and that of Justice Farwell restored."

This decision was so startling that it was vigorously denounced as a scandalous illustration of "judge-made law" and "a perversion of the intent of Parliament by hostile judicial interpretation."

The British trade unionists immediately commenced a campaign to secure the amendment of the trade-union acts, by which the legislature should affirmatively and positively declare that the funds of trade unions were not liable for any act of a trade union that was not in itself criminal. The result was that in March, 1906, the Government brought in a bill amending the "conspiracy and protection of property act" to meet the demands of labor. This bill was passed December 21, 1906, and is known as the "trades dispute act," which, because of its importance and application, I quote. It is as follows:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

"It shall be lawful for one or more persons, acting on their own behalf, or on behalf of a trade union, or of an individual employer or firm, in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

"An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment, or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills.

"An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

"Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the trades-union act, 1871, section 9, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute."

Thus the working people of Great Britain secured their right to organize and to exercise their activities upon the economic field for their own and for the common protection.

I shall not attempt here to trace the struggle of the working people of the United States to attain the right to organize. For the present article it is sufficient to call attention to the fact that the courts have recently decided that under the Sherman antitrust law individual members, as well as the entire organization of labor, may be mulcted in threefold damages which any employer or business man can show due to the activities of the workers by withholding their labor power and their patronage. In addition, they may be prosecuted and fined $5,000 and imprisoned for one year. Relief from this decision and from the abuse of the injunctive writ is sought to be obtained in the bill before Congress introduced by the Hon. WILLIAM B. WILSON, of Pennsylvania, and known as H. R. 25188. It is as follows:

"A bill to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of 'conspiracy' in certain cases.

"Be it enacted, etc., That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law; and such property and property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee, or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

"SEC. 2. That in cases arising in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other civil or criminal offense, or be punished or prosecuted, or damages recovered upon as such, unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual; nor shall the entering into or the carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done would be subject to be restrained or enjoined under the provisions, limitations, and definitions contained in the first section of this act.

"SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed."

The Wilson bill is, in effect, the British trades-dispute act. Surely what the monarchy of Great Britain has accorded to its workers should not be denied to the toilers of the Republic of the United States.

In our own day and time we can appreciate the wonderful accomplishments wrought by the hand of labor more readily than we can comprehend that which is seen in the retrospect only of ages long since vanished in the things that were.

We live in the greatest age of mankind and in the greatest and most wonderful country the sun has ever shone upon since the beginning of time.

It is but the span of a small life since the scenes we look upon to-day were the haunts of the savage and the beasts of the forest.

Only a few fleeting years since the war cry of the painted warrior and the piteous wail of his unhappy victim broke the stillness of the air now laden with the hum of human industry and the rumble of the wheels carry to the marts of the world the products of your hands and your industry.

But yesterday, as it were, the stealthy tread of the savage and the hunter stalked his game over the ground now occupied by happy homes and temples of commerce.

The whir of the engine now carries traffic at incredible speed where but recently the slow, plodding wagon of the thrifty, rugged pioneer crept from the overcrowded East to the golden West of opportunity and equal advantages to all.

How, may we ask, has this herculean task been accomplished in the narrow limits of a few brief years?

It has been accomplished by the brain and brawn, the energy and the muscle of the laborer, the man who, in obedience to the ordinance of God, went forth to win his bread in the sweat of his face.

It could never have been accomplished by the gilded youth of society or the feeble, unskilled hand of the timid idler in pleasure's palaces. It could never have been accomplished by the multiplied millions of the idle rich, nor by the effeminate brain of the tenderly nurtured darling or the gentle sybarite.

It was the work of men and of women; and of men and women in the full sense of the term. Courage, patience, and unremitting labor were demanded from the untamed soil and the savage wastes of the wilderness before they would yield their treasures of golden grain or marketable cattle or finished articles of commerce and crude material for manufacture.

Let me say to my fellow laborers, envy not the king upon his throne, the conqueror at the head of his victorious legions, nor the prince as he idles in his palace, for you are more worthy of man's respect than any crowned king, you are more worthy of the love and veneration of your fellow man than the conquering Cæsar or the mighty Hannibal, for you have done more to advance civilization and better your fellow man than the most illustrious prince that ever ruled a petty principality.

You have builded a nation. You have brought happiness and comfort into the lives of thousands. You have fed the hungry, clothed the naked, and administered to those in pain and sorrow and want. You have made a garden of beautiful blossom and fragrant bloom out of a wilderness. You have tamed the savage, brought the forces of nature to the aid of man, and have harnessed the mighty river and the dread lightning to make them do your will. In the sweat of your faces you have earned your bread, and in the honest purpose of your hearts and the tireless labor of your roughened hands you have earned, not alone those creature comforts of a narrow life, but the affection, the gratitude, and the applause of a thousand years yet to come.

No calling is more dignified by ancient lineage than the calling of the laborer. In no walk of life, I care not how high, is there such dignity, such honor, as is won by him who, with his hands, wins from grudging nature her priceless stores.

You are the salt of the earth, the architects that build not only the structures of commerce, civilization, and proud fortunes, but you are the builders of character, strong, forceful, manly characters, that will leave a generation of giants, moral, physical, and intellectual, when the puny offspring of those who look down on you have gone down to oblivion and eternal silence.

Labor is dignity. Labor is honor. Labor is repose of conscience and peace of soul.

All honor to labor and the laborer. He is the greatest gift of God to his country, his generation, and his posterity.

May his laurels never fade, and may his offspring never forsake the paths he has pointed out to them, and when the shadows of life grow long in the eventide of his existence, when the night draweth on when no man may work, may he go peacefully down to his last resting place and his memory dwell with those who yet linger on the shores of time as an incentive to greater deeds, a better life, a more useful existence, and more earnest effort for the betterment of mankind.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to paymasters at yards and stations, general storekeepers and receiving ships, and other vessels; 2 clerks to general inspectors of Pay Corps; 1 clerk to pay officer in charge of deserters' rolls; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, and mates, naval constructors and assistant naval constructors; and also members of Nurse Corps (female); for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with Naval Militia, and for the Fish Commission, 44,000 men; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many machinists as the President may from time to time deem necessary to appoint, not to exceed 20 in any one year; and 3,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law; pay of the Nurse Corps; rent of quarters for members of the Nurse Corps; $35,069,026: *Provided*, That a Medical Reserve Corps, to be a constituent part of the Medical Department of the Navy, is hereby established under the same provisions, in all respects (except as may be necessary to adapt the said provisions to the Navy), as those providing a Medical Reserve Corps for the Army and as set forth in the act to increase the efficiency of the Medical Department of the United States Army, approved April 23, 1908: *Provided further*, That all officers of the Navy, who since March 3, 1899, have been advanced or may hereafter be advanced in grade or rank by the President, in accordance with law, shall be allowed the pay and allowances of the higher grade or rank from the date they take rank, as stated in their commissions: *Provided*

further, That the accounting officers of the Treasury are hereby authorized and directed to open and resettle, upon application, the accounts of volunteer officers of the Navy who served in the War with Spain, and to resettle such accounts in accordance with the decision of the Supreme Court of the United States in the case of the United States *v.* John M. Hite, reported in Two hundred and fourth United States Reports, page 343: *Provided further*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made to officers of the Navy while on temporary leaves of absence since March 3, 1899, not involving detachment from duty, and not in excess of leaves of absence allowed by law to officers of the Army without reduction in pay, and amounts so paid to naval officers shall be allowed in settlement of accounts of such officers.

Mr. MANN. Mr. Chairman, I make a point of order against the proviso, commencing with line 6, page 4.

Mr. ROBERTS. Will the gentleman yield for a question and withhold his point of order for a moment?

Mr. MANN. No. What is the use?

Mr. ROBERTS. I just wanted to ask the gentleman if there was any use in asking him to withhold it.

Mr. MANN. No. I make the point of order against the proviso commencing on line 6 of page 3, down to the end of the paragraph.

The CHAIRMAN. Down to the next proviso?

Mr. MANN. Down to the end of the paragraph.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to be heard on the point of order?

Mr. FOSS. No; I do not. I concede the point of order.

Mr. HOBSON. Mr. Chairman, that does not make the whole paragraph subject to a point of order?

Mr. FOSS. It takes in all from line 6 down.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. HOBSON. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Alabama desires to offer an amendment.

Mr. HOBSON. It is this. On page 3, line 6, after the word "dollars," insert:

That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made to officers of the Navy while on temporary leaves of absence since March 3, 1899, not involving detachment from duty, and not in excess of leaves of absence allowed by law to officers of the Army without reduction in pay, and amounts so paid to naval officers shall be allowed in settlement of accounts of such naval officers, and that in construing the act of May 13, 1908, providing for the pay of the Navy, wherever no rate of pay is therein specified, the pay shall not be construed as less than Army pay for like conditions and grades.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will read.

Mr. MANN. Mr. Chairman, I reserve a point of order. That is practically the last proviso.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] reserve the point of order?

Mr. MANN. It has not been reported yet.

Mr. HOBSON. It is the last proviso, with an amendment.

The Clerk read the amendment, as follows:

On page 3, line 6, after the word "dollars," insert:
"*Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made to officers of the Navy while on temporary leaves of absence since March 3, 1899, not involving detachment from duty, and not in excess of leaves of absence allowed by law to officers of the Army without reduction in pay, and amounts so paid to naval officers shall be allowed in settlement of accounts of such officers, and that in construing the act of May 13, 1908, providing for the pay of the Navy, wherever no rate of pay is therein specified the pay shall not be construed as less than Army pay for like conditions and grades."

Mr. MANN. I make the point of order against the amendment as read.

The CHAIRMAN. The Chair is of the opinion that the amendment is subject to a point of order, and the Chair sustains the point of order.

Mr. HOBSON. Now, Mr. Chairman, I offer as an amendment the following:

In line 6, after the word "dollars," add:
"*Provided*, That in construing the law of May 13, 1908, providing for pay of the Navy, wherever no rate of pay is therein specified the pay shall not be construed as less than Army pay for like conditions and grades."

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read the amendment.

Mr. MANN. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Provided further, That in fixing the cost of work under the various naval appropriations, the direct and indirect charges incident thereto shall be included in such cost: *And provided further*, That the Bureau of Supplies and Accounts shall keep the money accounts of the Naval Establishment in such manner as to show such charges and shall report the same annually for the information of Congress.

Mr. FITZGERALD. I make the point of order on the paragraph, commencing with line 22, page 6, down to the end of the paragraph.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. AMES. That is a change of bookkeeping, not a change of law.

Mr. FITZGERALD. It provides for charging up these indirect charges against all work done in the yards.

Mr. FOSS. Last year it was inserted in the naval appropriation bill.

Mr. FITZGERALD. It was a very bad thing to put in the law, but it escaped my attention.

Mr. FOSS. Under that we established a system of keeping an account of these indirect charges in our navy yards. It seems to me it is not subject to the point of order. We established this system of indirect charges last year, and they were paid for from this appropriation. Now, this simply continues it.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Illinois whether there is any law for this except what is found in the last appropriation bill.

Mr. FOSS. That is the law.

Mr. FITZGERALD. I reserve the point of order, Mr. Chairman. I wish to give the committee some information about the operation of this method of indirect charges in the yards, and as to the increase in the reported cost of building battleships in the yards under this new system. This diagram, which I have had placed where Members can see it, represents in this lower line the work being done upon a battleship in the yard at New York.

Some time about 1902 work commenced in the New York yard upon the battleship *Connecticut*. This line indicates the amount of money being spent at various periods upon that ship. In 1905 the maximum amount in one year was being expended, something over $1,000,000. That was for labor alone. Then as the ship neared completion, the amount of labor being done fell off until 1907, when no work whatever was being done.

About the beginning of 1908 work on the battleship *Florida* commenced, and this line indicates the amount of labor being done on that ship up to the commencement of the year 1910.

This next line represents the maintenance cost of the yard from 1902 up to 1910. From 1902 to 1909 the maintenance cost increased on an average about one hundred and fifteen thousand and some odd dollars a year. Members of the committee will notice that that increase went on regardless of whether there was a ship being built in the yard or whether there was no ship being built in the yard. That continued until 1909, when a new system of cost keeping was established, and when the cost of maintenance of the yard dropped from $1,800,000 in one year to $1,100,000, and unexpectedly, it was discovered that the battleship *Florida* was costing very much in excess of what had been anticipated. Now, in this period, up to July 1, 1908, the amount of money expended for labor at that yard was $4,284,053, and the cost of general maintenance, including repairs of buildings, offices, shops, machinery, yard tugs, pay of draftsmen, clerks, messengers, watchmen, and so forth, for 1908 was $1,895,945. In 1909 the labor cost was $4,200,111; cost of general maintenance, including the items indicated, $1,943,413.

In 1910, when this drop took place, the amount expended for labor in the yards was $5,173,573, and the general maintenance cost was $1,127,347. That is, although the labor cost of the work done in the yard increased over 25 per cent, the cost of maintenance decreased about 35 per cent. Or, under this new system of bookkeeping, all of these maintenance charges were unloaded from the ordinary accounts of maintenance of the yards, over on to the cost of the work being done under appropriations for the increase of the Navy. In order to show that the condition in the Brooklyn yard is not an extraordinary situation, let me call attention to this upper line which represents the aggregate cost of the maintenance charges of four navy yards during the same period, when there were no ships of any kind being built in any of the four yards. It is very apparent to the House that the same average increase goes on right along.

Gentlemen can readily understand why those who believe that the policy of utilizing yards that are properly equipped for the purpose of building ships, so as to hold in check the rapacity of the shipbuilding trusts, are not willing to continue a system of cost-keeping by which general yard maintenance shall be charged against construction of ships.

I desire to call attention to one other thing in connection with this statement. I do so that Members may not think I am attempting to mislead them. The figures I use here are taken from the reports of the Paymaster General for the various years; and I have had this diagram worked out on squares by a man who is an expert in this method of indicating cost, so as to illustrate fully the effect of this method of cost keeping against work being done at the navy yards.

Just to show how much yard maintenance has increased by reason of new work being done, I have taken one particular year, and I shall put the figures in the RECORD, so that there will be no misunderstanding. For 1903 the cost of yard maintenance in the Brooklyn yard was $1,319,302, and the work on the *Connecticut* was then commenced. In 1908 the cost was $1,895,945. In 1908 there was no ship under construction for most of the time. The average annual increase cost of maintenance of yard during that period was $115,215.

The actual cost of maintenance of yard in 1905, when the maximum amount of work was being done on a new ship, was $1,573,704. Calculating the increase by the average annual increase the cost should be $1,560,338; so that the actual increase in maintenance during that period was $13,704. I might say that I have on my desk the instructions issued by the Secretary of the Navy regarding the new system of cost, and in it the statement is made that the object of this system is not for the purpose of ascertaining the commercial cost of doing work in the yard, but for the purpose of charging the cost of the work to the proper appropriations.

In making a comparison between what it will cost to do the work in the yard and what it will cost the Government by contract, the important thing is to find out what the actual cost of doing the work in the yards is. Under these instructions issued by the department the Bureau of Supplies and Accounts, this statement is made:

> By the introduction of this system it is not the intention to obtain the actual cost of the work from a commercial standpoint, but to more accurately distribute the expenditure to the appropriations as defined by law.

Under that method I find that the actual commercial cost of the work has not been ascertained, but its sole object has been to distribute the cost to the proper appropriations. It is now asserted upon the figures so compiled that doing the work in the yards will cost so much more than to do the work by contract.

In 1902 the first modern ship was built by a navy-yard organization. It had never built one before, it had no organization, it had to find its own equipment, it had to gather its force, and it had to discipline its force to do the work. It built in competition with private yards a ship which the figures show cost $400,000 or $500,000 more than the ship built by contract. After nine years, during which it had been continually engaged in building ships, during which time it turned out a ship which Sir William White, the great naval architect of Great Britain, said was turned out more rapidly than any ship ever before was turned off the ways, when a record never equaled was made, it is now asserted that instead of there being a difference of 6 and a fraction per cent between the cost of building a ship in a Government yard and by contract, and although the private contractor is now penalized by having his force work eight instead of 10 hours a day, the department has the effrontery to attempt to demonstrate that it will cost more than 30 per cent more to construct a ship in a Government yard than by contract.

If that is the result of the new system of putting the yards under military control, if that is the result of a system of putting line officers in charge of great industrial organizations and to supervise the expending of millions of money in building and repairing ships, it is time that system was changed and the work was put in control of men educated and trained to do effective work in such establishments. So far as I am concerned, this system of keeping costs which results in misleading and deceiving Members of Congress and the public as to what can be accomplished by the Government must stop. Gen. Crozier testified before the Committee on Appropriations at this session that the Government factory manufactures powder, and he includes in the items which he charges against the cost not only interest on the money invested in the plant, not only an allowance for insurance, but also an allowance for depreciation, and with all of these items taken into account it does not cost the Government more than 56 cents a pound to manufacture powder for the Army.

The gentleman from Massachusetts [Mr. ROBERTS] remembers the desperate fight that was made only two or three years ago to prevent the reduction of the cost of powder for the Navy from 63½ cents a pound to 61 cents a pound; yet, including all the items mentioned, Gen. Crozier manufactures powder for 4 or 5 cents a pound less than we obtain it by contract. He further stated that in the arsenals at Springfield and Rock Island, including interest on investment, insurance, and depreciation, he manufactures rifles from $15 to $18 apiece, which he asserts could not be obtained by contract under from $22 to $25 apiece. Then why is it, with these magnificently equipped plants, it is not possible to compete with the private establishments in the work that is done for the Navy Department? What is the matter with the system? What is the matter with those in charge of it?

It seems to me as though they were attempting to make impossible the utilization of these plants and are deliberately striving to demonstrate to Congress what is not a fact, that this work can not be done efficiently and economically by the Government, with resulting benefit and advantage to the shipbuilding combine, which for many years had the Government at its mercy and never put down the price of ships or never built them within the time fixed, or even within three years of the time fixed, until Congress authorized this competition through its own yards, and thus brought the private yards to time. I am in favor of keeping them where we now have them.

Mr. ROBERTS. I know the gentleman desires to be eminently fair——

Mr. FITZGERALD. Absolutely fair.

Mr. ROBERTS. In his discussion of the proposition, and I want to ask him if he is not aware that under the decision of the Attorney General the Navy Department can not include in its estimate of cost certain items that commercial organizations always figure in when they estimate the cost of their products?

Mr. FITZGERALD. I know this, that an opinion was rendered by the Attorney General last spring, and as a result of it, although on the building of the *Connecticut* they charged up to the ship the pay of the officers who were stationed at the yard and were in any way, however slight, connected with the work, they have since been prohibited by law from doing so. But they now charge up under this system all repairs in the different shops not exceeding $100 to the cost of the ship instead of to the cost of maintaining the plant, and just as long as they do not require an expenditure for any one item more than $100 the cost is taken from the yard maintenance and charged to the appropriation for the repair of ships and construction.

Mr. ROBERTS. The gentleman does not mean all repairs are charged up; only a proportion of them.

Mr. FITZGERALD. Practically all, unless they exceed $100. At first the limit was $25, but it did not make a sufficiently good showing, and so the limit was increased to $100.

Mr. ROBERTS. The gentleman made reference to the gradual and steady increase in the cost of maintenance not only in the Brooklyn yard——

Mr. FITZGERALD. In all the yards.

Mr. ROBERTS. But in four other yards. I want to ask the gentleman if it is not true that between 1903 and 1908 the Brooklyn yard and all the important yards in the country received large additions to their plants in the way of buildings, wharves, piers, and machinery, and that the increase of the Navy was correspondingly large, necessitating a natural and steady increase in the cost of maintenance of the navy yards.

Mr. FITZGERALD. I am not criticizing that increase.

Mr. ROBERTS. And will not the gentleman admit that whether a battleship or any other craft is built in one of these navy yards, the general increase of the Navy, the general increase in the plant there, will bring about that constant and steady increase in the cost of maintenance?

Mr. FITZGERALD. Certainly; and the natural increase in the cost of maintenance—the fixed charges—should be included in the general maintenance account and not unloaded on the cost of the ship.

Mr. ROBERTS. So that the argument that the cost of maintenance has steadily increased has no bearing whatever on the rest of the argument of the cost of a battleship. I will agree with his facts but not with his conclusions.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. One minute——

Mr. MANN. I just wanted to know how much more time the gentleman wanted. I did not know whether the gentleman had finished his statement or not.

Mr. WEEKS. I want to ask the gentleman from New York a question or two when he finishes his statement.

Mr. FITZGERALD. Here are these plants. They are equipped to do a certain amount of work. It is immaterial whether they do the maximum or minimum amount of work, there are certain fixed charges regardless of the amount of work done. I insist that up to the maximum capacity of the plant work can be done—not beyond the maximum capacity—without increasing the fixed charges, but the fixed charges should not be prorated against the cost of the ship.

Mr. ROBERTS. Right there——

Mr. FITZGERALD. Therefore, while these yards are being utilized for repair work and not utilized to their maximum capacity, new construction put in so as to utilize them up to their full capacity does not necessitate additional fixed charges. The fixed charges are not increased, but the yards are utilized more economically and efficiently. Under these circumstances it is unfair to charge against the new construction any of the fixed charges. Under this new system, however, the fixed charges have been prorated against new construction in proportion to the labor roll for the new construction with the labor roll and repair work. Many times 50 per cent of the labor engaged in the yard is working on a ship, and by prorating 50 per cent of them to the cost of the ship the apparent cost is increased very materially.

Mr. ROBERTS. The gentleman is criticizing the present cost and accounting system in the Navy Department. I want to ask the gentleman if it is within his knowledge that when the *Connecticut* was built in the Brooklyn yard a considerable addition to her cost was made without its appearing on the accounts which were being kept of the cost of that ship?

Mr. FITZGERALD. I shall discuss that matter.

Mr. ROBERTS. In other words, under the old plan, when there was no cost accounting system and only general stores, it is stated there were taken something like $200,000 out of general stores and put in the *Connecticut* and no charge was made against the appropriation for the *Connecticut*. That is impossible under the present system.

Mr. FITZGERALD. That statement is thoroughly inaccurate. The gentleman from Massachusetts has probably read the testimony of the Secretary of the Navy; but if the gentleman will turn to the statement of Paymaster Gen. Rogers made last year before the Senate committee, when he said that, although supplies were taken from general stores, every article was charged to the cost of the ship, he will realize his error. Not only that, these articles did not amount to $200,000, but they amounted to $81,000.

Not only that, but the Secretary of the Navy telegraphed to the Brooklyn yard in December and a very exhaustive examination was made, and he found out that every article taken from general stores was charged against the cost of the ship. The gentleman misunderstands what Paymaster Gen. Rogers complained about. This was his complaint. He said that when the limit of cost had been fixed for certain work in the navy yard it was possible under the old system to spend the amount of money fixed in the limit of cost and then practically to increase the limit of cost by taking certain articles from the general supply fund, but every article taken from the general supply fund for the *Connecticut* was charged to the *Connecticut* and was within the sum authorized to be spent on the *Connecticut*, and it was all within the limit of cost fixed for the ship. I know that the testimony of the Secretary of the Navy can be read and a mistaken notion of what was done obtained. It demonstrates as conclusively as any statement ever made that he was not as familiar with what he was talking about as he should have been.

I have the hearing here, and I can turn to the pages where the testimony appears and I can demonstrate it to the satisfaction of anybody who listens to it. Let me read some of the testimony, so that there will be no misunderstanding, as long as that question has been asked. Mr. Chairman, while the gentleman from New Jersey is looking that up for me I shall read something else. The Navy Department has overproved its case. It has proved too much. It has proved in one instance that it cost more to do work in navy yards than it does by contract, and in another instance it demonstrates that the yards do work more cheaply than it can be done by contract, although they do more difficult work.

There were certain castings required for the battleship *Florida*, now under construction in the yard. Anybody who will listen to this statement, furnished by the department itself, and then prove that it costs more to do work in the yards than to have it done by private contract will confer a favor upon me. This statement is made both by Admiral Leutze, the commandant of the yard, and it also appears in a letter written by the aid on matériel.

> With regard to the question of cost, which involves economy of navy-yard administration under the present system, it may be remarked that Cramps, of Philadelphia, bid for cylinders cast in four pieces for certain itemized castings, rough-machined, a total of $43,700 f. o. b. at Philadelphia. This bid was qualified by a statement that the firm could not assume responsibility if the castings were made in two pieces, which would, moreover, very greatly have increased the amount bid.
>
> The total aggregate cost of performing this identical work at this yard, made in the more difficult and more expensive manner incident to two instead of four pieces, rough-machined, was $42,420.81, indicating a saving to the Government of $1,271.19 plus the freight charges from Philadelphia, and with the great advantage of having the castings made in two pieces.

Here it is demonstrated by the department that it does work in a more difficult manner, in a way that a private contractor would not guarantee it for $1,200, plus the freight, less than the private contractor would do it in a less expensive and less difficult manner. If that be true regarding these particular castings, if it be true of the separate items upon which we can get exact information, why is it possible there should be any difference in any other work done there? How does the department explain it? This great increase in the apparent cost of building the ships in the Government yard is explainable only by the fact that against the cost of the ship there are charged over $900,000 of the fixed charges of the yard which do not belong to the ship.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. WILSON of Pennsylvania. I notice by the diagram that there were no battleships being made at the navy yard in 1908.

Mr. FITZGERALD. Practically there was no work being done in 1908.

Mr. WILSON of Pennsylvania. The question I want to ask is this: Was it not due to the fact that no battleship was being built at that time that the organization was injured and created a greater expense for the building of future battleships than would have been the case if an organization could have been maintained throughout?

Mr. FITZGERALD. To some extent. Now, Mr. Chairman, for the benefit of the gentleman from Massachusetts and for the information of the committee, I wish to say that in the beginning of his testimony Secretary Meyer before the Naval Committee made a statement which would indicate that some general stores were used in the construction of the *Connecticut* which were not accounted for.

Paymaster Gen. Rogers, before the Senate Naval Committee on April 5, 1910—and his statement is found on page 398 of the hearings—makes this statement:

> It would apply to anything that is done in a yard. I will tell you something else that actually occurred. The battleship *Connecticut*, built at New York Navy Yard, had in her construction over $100,000 of these very stores I am talking about—common, general stock—charged to her, but nothing in money paid for it. Suppose Congress allowed $7,000,000 to build that ship. They spent the $7,000,000 out of the "increase of the Navy," and then they took what they could find in the storehouse, and what they did find in the storehouse amounted to over $100,000, which was never paid for by the appropriation that built the ship. It was added to her cost in reporting it, but there is an opinion that it was then legal to do that.

So that, so far as the *Connecticut* is concerned, every article taken from the general stores and issued to the *Connecticut* was charged against the construction of the ship and is reported in the total cost of the ship.

Mr. ROBERTS. The gentleman will agree with me that there was $100,000 worth of goods that went into that ship, in addition to what was charged up, or in addition to what was provided for by Congress to build that ship?

Mr. FITZGERALD. No.

Mr. ROBERTS. Let the gentleman read, at page 330 of the testimony, where the Secretary of the Navy says that.

I have also an extract from the hearings in which Paymaster Gen. Rogers says it was $100,000, and the question was, "That is in addition to the $500,000?" And he said, "Yes, sir; that is in addition to the $500,000."

Now, if you turn to Admiral Rogers's own statement you will see that that $100,000 was taken out of general common stores and charged against the cost of the *Connecticut*, but nothing was put back to cover the cost of the goods, so that there is that $100,000 in addition gone into the cost of the *Connecticut*.

Mr. FITZGERALD. No. The gentleman is in the same condition of mind as the Secretary of the Navy. I think I know what Admiral Rogers was complaining about. Admiral Rogers was complaining that if they took articles from the general stores and used them on certain work, they did not take the money appropriated for that work and use it in replacing the stores. But there is nothing, and the gentleman can not find any statement by anybody who knew anything about it, that will bear out his contention, but on the contrary if he will search further he will find not only the statement I have read by Admiral Rogers but the statement by Admiral Watt, the Chief Constructor of the Navy, transmitting the correspondence from the navy yard in Brooklyn, in which he admits that every item of the cost of the *Connecticut* in the Brooklyn Navy Yard was charged against her, and that her total cost was inside the limit of cost.

Mr. ROBERTS. Let me read a minute more.

Mr. FITZGERALD. Do not read from the Secretary of the Navy.

Mr. ROBERTS. I am about to read from Admiral Rogers, page 329. He first says, as to these vessels authorized by Congress to be built in the navy yard, that the cost should be met presumptively by the appropriation, "Increase of the Navy," or rather by three appropriations, "Construction and machinery," "Increase of the Navy," and "Armor and armament." Then he says that the $100,000 that was taken out of general common stores was charged against the cost of building the *Connecticut*, but that the $100,000 that they represented was not taken out of the appropriation for "Increase of the Navy," under which appropriation the *Connecticut* was built, so that the appropriation, "Increase of the Navy," by reason of taking the common general stores to the value of $100,000, was $100,000 greater than it should have been. Now it is a quibble to say that it went into the cost of building that ship because that $100,000 represented by the common general stores was not charged up to any appropriation, and the appropriation to which the cost of the *Connecticut* should have been charged was $100,000 greater, to be used for some other purpose, by reason of taking this amount out of the general stores. Those are the facts in regard to it.

Mr. FITZGERALD. The appropriation for "Increase of the Navy," construction work, is available not only for work done on a ship in the navy yard, but it is available also for meeting payments coming due on account of construction by contract.

Mr. ROBERTS. No; the appropriation is for a particular thing; not for repairs or anything like that.

Mr. FITZGERALD. The fact is that there was expended a certain amount of money, and there were used certain stores, and the combination of both made up the total cost of the *Connecticut*, and it is within the limit of cost.

I will add just one thing else. This question came up in the Naval Committee this session and it was supposed then that something remarkable had been discovered, but it turned out to be a mare's-nest. Let me read this letter:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., December 31, 1910.

THE SECRETARY OF THE NAVY:

1. Referring to your memorandum of the 29th instant, directing the furnishing of all available information showing amount and value of stores from common general stock, or other stores, used in the construction of the U. S. S. *Connecticut* at the navy yard, New York, and which were not charged to the cost of her construction, I respectfully report that the records of this bureau do not indicate that any stores from common general stock, or other stores, were used in the construction of the U. S. S. *Connecticut* at the navy yard, New York, which were not charged to the cost of her construction.

2. The commandant at the navy yard, New York, has been communicated with, and his reply is quoted hereinafter as follows:

"All stores drawn from common general stock and all other sources for use in building *Connecticut* were charged against her cost.—Leutze."

R. M. WATT.

But if you will read the testimony of the Secretary of the Navy the only inference that can be drawn is that, in addition to the reported cost of the *Connecticut*, there were certain articles from the general stores used but not charged, which is not a fact; and in view of these statements I wish to say that until they get a system of cost keeping which will show the commercial cost of doing work in these yards I am opposed to this present system, which permits reports so misleading as have been made to this House in this session of Congress.

It may be interesting to the House to have the opinion of disinterested observers sufficiently removed from the scene to be impartial. I have here an extract from an article in Shiff Bau, a technical magazine published in Germany, in its issue for January, 1911.

After quoting from an article in the Army and Navy Register stating that the limit of cost for the *Florida* would be exceeded and would be about 50 per cent in excess of the cost of the *Utah*, building at the New York Shipbuilding Co., and that this does not include some operating costs, which would bring the excess from 65 to 75 per cent, it says:

In Germany the Government navy yards build at noticeably less cost than the private works.

The reason for the great differences in costs in America under the administration of Secretary of the Navy Meyer is not clear without further particulars.

Previous to this time the New York Navy Yard built at a cost of only 10 per cent in excess of private yards. The Marine Review attributes the present remarkably uneconomical construction to the operations of the new system of administration introduced by the Secretary of the Navy, which reduces the importance of the control of the practical officers.

It is interesting to note that for one of the two 27,000-ton battleships (*New York* or *Texas*) which will be built at a Government yard, because of the eight-hour day and on account of the increased displacement there is asked $7,000,000, which is $1,000,000 more than Congress voted and $1,300,000 more than the Newport News works requires for the sister ship.

What has been unheard of in any country for a long time has happened in America—namely, only one company bid, all others failing to bid.

The conclusion of the press is almost unanimous that the reason for this is to be found in the hostile attitude of Secretary Meyer to the practical administrator, but the Secretary's administration is flatteringly approved in the accounts of the military service papers.

In this past proposal the firms asked to bid undoubtedly united.

The Newport News yard has come within the limit of $6,000,000 set by Congress by a bid of $5,970,000. Comparing with the cost of the *Utah*, of 23,000 tons displacement, building at the Fore River Co. (on the basis of tonnage), the price of the Newport News works for the present 27,000-ton ship should be $4,600,000 and not $5,970,000, without consideration of the eight-hour workday.

The difference of $1,470,000 may well be expected to be divided among the different American shipbuilding companies.

So that the opinion entertained by many in this country that there is a combination among the shipbuilding concerns in the United States upon Government contracts is shared by keen observers in other countries. The way to smash the combination is to keep alive Government-yard competition. It will prevent the Government being put into the clutches of the trust, from which it only escaped a few years ago.

Mr. WEEKS. I should like to ask the gentleman a few questions.

Mr. FITZGERALD. I yield to the gentleman.

Mr. WEEKS. What items are included in the maintenance charges at the navy yards?

Mr. FITZGERALD. The cost of maintaining dry docks that this ship could not get into after it is built; tugs, lighting the yards, paving the streets, repairing the buildings, repairs of machinery and equipment. The figures included in this charge for general maintenance include repair of buildings, offices, shops, machinery, yard tugs, and the pay of clerks, draftsmen, messengers, watchmen, and items of that character.

Mr. WEEKS. Would not the maintenance charges be affected as materially by repair work going on in the yards as by new construction?

Mr. FITZGERALD. Somewhat, but these yards have a certain capacity, and if they are not utilized to their full capacity, a certain fixed charge for maintenance goes on, and merely doing more work does not very largely, if at all, increase, as the department would have us infer, the maintenance charges. But what the department has been doing is this: Suppose this yard has a capacity to employ about 6,000 men economically. Certain fixed charges go on, regardless of whether there are 2,000 or 6,000 men employed. They have about 3,000 men employed in doing repair work. They are able to do the maximum amount of work possible on a new ship with 3,000 additional men employed. Then in this system of cost keeping they charge 50 per cent of the fixed charges against the cost of the ship. It is no wonder that the apparent cost of the ship amazes and paralyzes men when they look at it.

Mr. WEEKS. In determining whether the maintenance charge is fair or not, ought you not to include in your consideration all classes of work that are going on at that yard?

Mr. FITZGERALD. Yes.

Mr. WEEKS. The maintenance charges are kept in the same way at all the yards, are they not?

Mr. FITZGERALD. They have certain watchmen in the yard, and they have the same number of watchmen whether a ship is being built or not. They are necessary to watch the property; and the fact that 50 per cent of the money being expended for labor in a yard is being expended in the construction of a ship is no reason why they should charge 50 per cent of the watchmen against the cost of the ship.

Mr. WEEKS. Is not the reason that the maintenance charges are so much higher in the four yards referred to than in the

New York yard because there is more work being done at the New York than at other yards?

Mr. FITZGERALD. I believe the gentleman is mistaken about that. This upper line represents the aggregate maintenance at the four yards, which is a little over $2,000,000. That would average a little over $500,000 apiece for maintenance. In the New York yard it started at $1,300,000 in 1903 and ran up to $1,800,000 in 1909, due, I suppose, to the fact that the New York yard does perhaps 70 per cent of all the work done at all the yards.

Mr. WEEKS. Are the charges kept the same at all the yards?

Mr. FITZGERALD. Yes.

Mr. WEEKS. The same items, in the same manner?

Mr. FITZGERALD. Yes.

Mr. FOSS. All this discussion has not been on the point of order, and I wish to discuss it for a few moments; but before doing so I would like to say a few words as to the statement made by the gentleman from New York [Mr. FITZGERALD].

Mr. MANN. Will my colleague yield?

Mr. FOSS. Certainly.

Mr. MANN. The point of order has been reserved, and there has been considerable time used in discussing it. Can not we make some arrangement as to what time the gentleman wants so that it will not be wasted by interruptions?

Mr. FOSS. I only want a short time.

Mr. MANN. I will say that if the gentleman gives his time to answering questions that do not pertain to this matter his time may be limited by the point of order being made.

Mr. FOSS. Mr. Chairman, I would like to say a few words about the cost-accounting system. The statement of the gentleman from New York only goes to show how much more it costs to build a ship in the navy yard than by private contract.

In 1902 when we built the *Connecticut* in the New York Navy Yard there was a difference in the cost of construction of the *Connecticut* and the sister ship *Louisiana* of about $400,000. That represented the difference in the cost of labor and material and did not take into consideration, the indirect charges of the navy yards, such as power, shop, and general expense. It simply represented the difference in material and labor.

To-day we have a cost-accounting system by which there is charged up certain indirect charges which are proper to charge against the battleship when in the process of construction. Last year when I asked the House to vote an appropriation for this cost-accounting system I expected that we would have a system by which we could compare the cost of building a battleship in a Government yard with the cost of building it in a private yard. But this cost-accounting system which we have to-day will not permit that. In my judgment, it does not go far enough. The gentleman from New York [Mr. FITZGERALD] complains that it goes too far; but, in my judgment, it does not go far enough. It excludes a great many things which in a private shipyard would be taken into consideration. That will be evident to every one of you when I state that under the present cost-accounting system the following things are excluded and not taken into consideration.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FOSS. I can not yield now. First, officers' salaries that would be included in the cost at a private concern in arriving at the actual cost is excluded in this cost-accounting system; second, the clerical force is excluded; third, draftsmen are excluded; fourth, leaves of absence are excluded; fifth, holidays are excluded; sixth, expenses in handling and testing stores are excluded; seventh, depreciation is excluded; eighth, fire insurance is excluded; ninth, interest on the money invested is excluded; tenth, taxes are excluded; eleventh, repairs over $100 are excluded.

I say that all of these things would be included in every cost-accounting system in every private establishment in this country. In the navy-yard cost of work these things are excluded, so that this cost-accounting system the gentleman complains of is favorable to his contention for building ships in the navy yards. If all of these things had been included in a real cost-accounting system by which we could compare ships built in Government navy yards and those built by private concerns, there would be, in my judgment, $500,000 more of indirect charges which should have gone into the cost of the building of the *Florida*. So much for the cost-accounting system.

Now, the question on the point of order is pending, and I desire to direct the attention of the Chair to that for a moment. I call the attention of the Chair to the language in the proviso inserted in the naval bill of last year:

Provided further, That in fixing the cost of work under the various naval appropriations, the direct and indirect charges incident thereto shall be included in such cost: *And provided further*, That the Bureau of Supplies and Accounts shall keep the money accounts of the Naval Establishment in such manner as to show such charges and shall report the same annually for the information of Congress.

Mr. HOBSON. Mr. Chairman, this question is, of course, preparatory and leading up to a later question as to whether the committee is to concur in the provision of the bill that takes away the battleship that is being built in the New York yard, and shall affect the eight-hour law or not. I do not wish to take any extensive time at this moment, but I would request gentlemen who wish to look into this in extenso to take up the discussion that occurred last year when this question was before the committee. The committee was then given warning by members of the Naval Committee that just the situation that has now arisen would arise, and the gentlemen on this side who insisted that the views of the Naval Committee should be overridden have the trouble on their hands now because they overrode the Naval Committee. It was then pointed out that the eight-hour law is a wise objective. It was then pointed out that the navy yard, in order to be efficient as a great military organization when war comes, must be maintained in an efficient condition in time of peace, and that for such maintenance it is necessary not only to have the usual repairs on vessels under repair, but a reasonable amount of construction; and an attempt was made to show where we could accomplish all of this business without sacrificing too much in expense and maintaining the highest and best interests of the Government.

The navy yard was not ready then to take up the construction of the ship. The country was not ready then, either North or South, in our shipbuilding yards to adopt in toto the eight-hour law. A proposition that if you are going to make the eight hour mandatory you ought to allow a yard to build two ships instead of one was brought to the attention of Congress, so that if the private yards went at once on the eight-hour basis it would have work that would take up most of its facilities. Congress rushed into these two propositions to hasten the building of another Dreadnought at New York before they were ready, and to hasten the universal adoption of the eight-hour law, irrespective of the cost it might entail, and that is the reason why we are in the present dilemma. For my part, I am in favor of developing the navy yard. I am in favor of a reasonable amount of construction being maintained at first-class navy yards. I am in favor of the eight-hour law not only in Government yards, but in its extension as far as Government work goes to every contract that is made with the Government, and in fact I am in favor of all the Government influence being used to extend the general adoption of the eight-hour law; but that is a reasonable procedure, to bring about any given change of such magnitude, and I hope that this time when we get to the question itself Members will be very careful in their votes as to what shall prevail.

The CHAIRMAN. Is the point of order made?

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation, $999,400.

Mr. KELIHER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 7, line 20, after the word "dollars," add:

"*Provided*, That the Secretary of the Navy is hereafter authorized to transport to their homes or places of enlistment, as he may designate, all enlisted men discharged from the naval service by court-martial; the expense of such transportation shall be paid out of any money that may be to the credit of the enlisted man when discharged; where there is no such money the expense shall be paid out of money received from fines and forfeitures imposed by naval court-martial."

Mr. FOSS. Mr. Chairman, I make the point of order against that.

Mr. KELIHER. Will the gentleman reserve that for just a moment?

Mr. FOSS. At this stage of the session I do not think we ought to reserve points of order.

Mr. KELIHER. If the gentleman will give me just one minute.

Mr. FOSS. Very well.

Mr. KELIHER. We have already passed an act which authorizes the Secretary of the Navy to transport to their homes discharged naval prisoners. He may use his discretion as to whether he will provide them transportation to their homes or not when they are discharged from the naval prisons. When that proviso was written into the law, and it is now law, we failed to include within its provisions men discharged from the naval service by court-martial. The result to-day is that enlisted men who are tried for breach of the naval regulations, court-martialed and discharged, there is no provision in the law that authorizes the Secretary of the Navy to send them home, and this merely broadens the provision of the law we have enacted, and which should be broadened to include this class of men. Now, I trust the gentleman from Illinois [Mr. Foss] will not press the point of order. I have not had time to confer with him; if I did, I am sure he would not. This merely provides that enlisted men discharged from the service be treated as we treat naval prisoners. Men who are discharged the service, who have not been sentenced to serve time in a naval prison, surely are entitled to the same treatment as men who have served time in a naval prison. The Secretary of the Navy should be empowered to send a man home who has not committed as great a breach of regulations but has been court-martialed and discharged in a strange city, penniless and likely to become a charge upon the locality in which he is dumped. I trust the chairman will withdraw his point of order.

Mr. HOBSON. Mr. Chairman, I hope the gentleman will not insist on his point of order.

Mr. FOSS. I must insist.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For experimental work in the development of aviation for naval purposes, $25,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order against the paragraph. The other day, when the committee was considering the Army appropriation bill, we appropriated $125,000 for a similar purpose. Wherein is it necessary to have additional experimental work in connection with the Navy?

Mr. DAWSON. If the gentleman has examined the annual report of the Secretary of the Navy and also kept track of current events, he would——

Mr. STAFFORD. I try to keep track of current events.

Mr. DAWSON. He would have seen an article in regard to Aviator Ely, who has made some experiments in aviation in connection with the Navy that have been of vast and far-reaching importance. That is, he has demonstrated by means of these heavier-than-air machines they can not only start from the deck of a ship, but they can also alight on a deck of a ship after making a voyage in the air.

Mr. STAFFORD. I recall that experiment, and with that valuable information I withdraw the point of order.

The Clerk read as follows:

Naval Home, Philadelphia, Pa.: One secretary, $1,600; 1 foreman mechanic, $1,500; 1 superintendent of grounds, at $720; 1 steward, at $720; 1 store laborer, at $480; 1 matron, at $420; 1 beneficiaries' attendant, at $240; 1 chief cook, at $480; 1 assistant cook, at $360; 1 assistant cook, at $240; 1 chief laundress, at $216; 5 laundresses, at $192 each; 4 scrubbers, at $192 each; 1 head waitress, at $216; 8 waitresses, at $192 each; 1 kitchen servant, at $240; 8 laborers, at $240 each; 1 stable keeper and driver, at $360; 1 master at arms, at $480; 2 house corporals, at $300 each; 1 barber, at $360; 1 carpenter, at $846; 1 painter, at $846; 1 engineer for elevator and machinery, $720; 3 laborers, at $360 each; three laborers, at $300 each; total for employees, $18,808.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order, and I desire to ask the gentleman in charge of the bill a question. At the beginning of the paragraph there is one secretary, $1,600; one foreman mechanic, $1,500. Was that paid last year out of the Treasury?

Mr. FOSS. No; this is out of pay miscellaneous.

Mr. COX of Indiana. Out of the pension fund?

Mr. FOSS. You mean the whole thing?

Mr. COX of Indiana. Yes.

Mr. FOSS. Yes.

Mr. COX of Indiana. Then, Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

BUREAU OF ORDNANCE.

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval magazines, torpedo stations, and proving ground; for maintenance of the proving ground and powder factory, and for target practice, and for pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, and naval magazines: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, and naval magazines for the fiscal year ending June 30, 1912, shall not exceed $425,000. In all, $5,500,000: *Provided*, That no part of this appropriation shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals.

Mr. HOBSON. Mr. Chairman, I beg to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, in line 21, after the word "dollars," add:
"*Provided*, That $350,000 of this amount shall be expended for the purchase or manufacture of shell of such proven design as will carry under tested gun pressures of not less than 30,000 pounds per square inch explosive charges of not less than 150 pounds weight of either the explosive now in use in the naval service or of explosive gelatin."

Mr. MANN. I make a point of order on the amendment.

Mr. HOBSON. Does the gentleman wish me to state the point of order?

Mr. MANN. Oh, it is legislation.

The CHAIRMAN. The Chair will hear the gentleman from Alabama briefly.

Mr. HOBSON. I can show the Chair, if he will permit, a similar ruling last year in the case of an amendment requiring a battleship to be built at a navy yard. My amendment simply puts a limitation upon the expenditure of an appropriation similar to an amendment last year to the paragraph for ordnance experiments, which prescribed that those experiments should include the use of high explosives and also the test of armor-piercing projectiles at long ranges, specifying the ranges and the conditions of the test. The point of order was carefully considered at the time and was not sustained. I will refer the Chairman to page 4587 of the RECORD.

Mr. MANN. Can the gentleman tell us where the same item appears in this bill?

Mr. HOBSON. It appears in this bill under the head of ordnance and ordnance stores instead of experiments, and it is a limitation——

Mr. MANN. What page and line?

Mr. HOBSON. We do not repeat that particular provision this year, rather that particular amendment. If the gentleman will turn over his bill he will see under the head of experiments the same allowance of $100,000. At that point, I think, an amendment could also come in, but it is in order in one of those places, for the simple reason, Mr. Chairman, that it places a limitation upon an appropriation provided for in that section, an appropriation for ammunition and ordnance supplies, which includes projectiles of various kinds.

This simply provides that $350,000 of the money provided shall be expended in a certain way. It shall be expended for shells of certain specifications, the paragraph itself providing for shells. So that there is no new legislation, there is no new law, but only a limitation upon the appropriation made under existing law. Of course, I could offer this amendment, just as I offered one last year when we came to the question of experiment, but in that particular case the total amount for experiment is but $100,000, and this is going to deal with the question of purchasing high explosive projectiles.

Now, I would like to hear from the gentleman who is going to make his point of order, if he makes it, on what grounds he will do so.

Mr. MANN. I made the point of order some time ago. I thought the gentleman was arguing——

Mr. HOBSON. Will the gentleman state on what grounds he made it?

Mr. MANN. It is legislation. This is a direction to the Secretary of the Navy to purchase a particular kind of shell. It appears, with the authority that he has under the existing law to expend the money in reference to that, he now has the authority to purchase that shell if he wishes to do so. It is not at all like the amendment which the gentleman offered last

year, and which I hold in my hand. I do not know whether the chairman has it or not. I have the amendment which the gentleman offered last year. It is an entirely different proposition. It is not necessary to take the time or detain the House to explain it.

Mr. HOBSON. I think the gentleman could explain to the House the difference, because the same discretion was limited last year.

Mr. MANN. If the Chair has not got the amendment of last year, I will be glad to read it to him.

The CHAIRMAN. Will the gentleman from Alabama [Mr. HOBSON] refer the Chair to the page of the RECORD on which it is found?

Mr. MANN. I can read the amendment if the Chair desires to hear it.

The CHAIRMAN. The Chair would like to ask the page of the RECORD.

Mr. MANN. Mr. Chairman, if the Chair has not the amendment which was held in order, let me read it to the Chair, and the Chair will rightly distinguish the difference. The amendment which was offered last year was:

Provided, That no part of this appropriation shall be expended in experiments, unless in the development of armor-piercing projectiles and high explosives an attack on heavy turret armor and heavy belt armor is made by armor-piercing projectiles at a battle range of not less than 8,000 yards and by explosive gelatine, in quantity not less than 200 pounds, exploded against a heavy belt armor and heavy turret armor on an actual vessel.

It is an entirely different proposition so far as the point of order is concerned.

Mr. HOBSON. I would like for the gentleman to say where it is different. The Secretary had the discretion to carry on those experiments all the time, like he has it in his discretion now to carry on these; but he did not see fit to carry them on.

Mr. MANN. He had the discretion last year to carry on the experiments. He has the discretion now to make the purchase and carry on the experiments, and it is in the discretion that the gentleman proposes to interfere with absolutely. And there was nothing in the item last year that interfered with the Secretary's discretion.

Mr. HOBSON. If the gentleman will permit, the very language of it interfered with it by requiring that none of that money should be used unless certain definite experiments were made, and that was discussed throughout on its merits and held in order.

Mr. MANN. The Secretary need not have expended the money in making these experiments unless he chose to do so under the amendment of the gentleman last year. It was a pure limitation; he need not have expended the money unless he desired to do so. There was no direction to him to do it.

Mr. HOBSON. I disagree with the gentleman. The Secretary, if he need not have expended that money, would not have done it, in my judgment; but there was no discretion left to the Secretary, and it was so construed by the Secretary. Those experiments were long in being executed, but it was felt there was no discretion left.

Again, Mr. Chairman, I want to call attention to the fact that that particular paragraph makes an appropriation for certain ordnance materials, including shells, and this amendment simply requires that a part of that appropriation shall be used for a particular kind of shell. This requires that a part of that amount shall be used for a particular kind of shell, just as the previous one required that in the experiments made there should be a limit to certain experiments. But the question as to the order of the two is exactly the same. It was ruled on then, and I thought, of course, it would be settled then for all time.

The CHAIRMAN. The gentleman from Alabama has not yet furnished the Chair with the proceedings on the same point of order last year. The gentleman from Illinois [Mr. MANN] has presented a question which seems to the Chair quite different. The Chair would like to consult the RECORD of last year's proceedings on the point referred to.

Mr. HOBSON. I thought I had sent it up. But it was very clear, Mr. Chairman. It can easily be located in the volume there. The Chair will find that the ruling was very clear.

The CHAIRMAN. If the gentleman will give the page or the date, or if he will supply any other means of ascertaining the proceedings on the point of order, the Chair can consult it.

Mr. GARRETT. The gentleman said it was on page 4587.

The CHAIRMAN. The Chair thinks the two cases are different.

Mr. MANN. It is perfectly patent to anyone, Mr. Chairman, that they are different.

Mr. STAFFORD. Mr. Chairman, page 4587 is the page given by the gentleman from Alabama.

The CHAIRMAN. The committee will rise informally.

The SPEAKER. The Chair lays before the House the following reports from the Committee on Enrolled Bills.

BILLS PASSED.

The SPEAKER. This afternoon, when the House was in Committee of the Whole House for the consideration of bills on the Private Calendar, as the Chair finds, after examination and information, two bills were considered and laid aside. They were the bill H. R. 18512, for the relief of S. H. Robinson, of Allegheny County, Pa., and H. R. 31987, providing for the releasing of the claim of the United States Government to arpent lot No. 44 in the old city of Pensacola, Fla. Right after that, it appears that the question of no quorum was raised, and it not being ascertained whether there was or was not a quorum, the usual call under the rule ensued, and a motion was made that the committee rise, and it did rise. Subsequently another bill was considered. Now, under a precedent, and perhaps on principle as well——

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Chairman of the Committee of the Whole have leave to report those bills to the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee of the Whole House be discharged from the consideration of the two bills I have named, and that they do pass. I understand there were no amendments. Is there objection?

The bills were ordered to be engrossed and read a third time, were read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the votes by which the bills were severally passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FOSTER of Vermont, chairman of the Committee on Foreign Affairs, by direction of that committee, reported the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 2201), ordered to be printed.

Mr. MACON. Mr. Speaker, I reserve all points of order on the bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CONRY, indefinitely, on account of sickness.

To Mr. WOOD of New Jersey, indefinitely, on account of sickness.

To Mr. SLAYDEN, indefinitely, on account of sickness.

CHANGE OF REFERENCE.

By unanimous consent, the reference of House Document No. 1361, being a letter from the Secretary of the Treasury, transmitting the findings of the Court of Claims as to claims of letter carriers of Greater New York for additional salary, was changed from the Committee on Appropriations to the Committee on Claims.

The SPEAKER. The committee will resume its session.

NAVAL APPROPRIATION BILL.

The committee resumed its session, with Mr. TILSON in the chair, and again took up the consideration of the naval appropriation bill (H. R. 32212).

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Alabama simply presents a limitation upon the discretion of an executive officer, which can only be done by legislation. The Chair has looked in vain in the paragraph under consideration for any matter there which would make the amendment in order, which would not otherwise be in order, and therefore the Chair sustains the point of order.

Mr. RAINEY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 3, on page 16, the following:
"*Provided,* That no official having any connection with any steel company, or receiving or expecting to receive royalties from any steel company, shall be permitted to serve on any board charged with executing in any way the provisions of this paragraph or of any other paragraph in this bill providing for the expenditure of money."

Mr. FOSS. I make a point of order against that amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of order. The Chair sustains the point of order and the Clerk will read.

Mr. RAINEY. Mr. Chairman, I ask permission to insert in the RECORD a very clear statement as to high-explosive shells, made by Mr. W. S. Isham, of Washington, D. C., before the Committee on Naval Affairs.

The CHAIRMAN. The gentleman [Mr. RAINEY] asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NAVAL AFFAIRS,
Tuesday, January 17, 1911.

The committee being in session, Hon. GEORGE EDMUND FOSS (chairman) presiding, a hearing was accorded to Mr. W. S. Isham, of Washington, D. C., on the subject of the Isham high-explosive shell.

STATEMENT OF MR. W. S. ISHAM.

Mr. ISHAM. Mr. Chairman, tacticians designate the navy as the first line of a nation's defense, the coast fortifications as the second, and the mobile army as the third. Theoretically the United States possesses all these lines, but in actuality she has merely their shadows, which, imitating the form, fail to contain the substance. This is not because of any inefficiency in the personnel of the Army or Navy in the field or aboard ship, but because of the worthlessness of the material furnished these efficient and brave officers and men by the bureaus having control in such matters.

The first line of defense, the Navy, is generally recognized—and correctly so—as the one best prepared to defend this country in an emergency. As indicating the worthlessness of the other defensive lines, and therefore the unpreparedness of this country for war, it is proposed to show how inefficient our Navy really is. There are certain generic principles of tactics and armament which have come down through the ages and caused victory to perch on the standards of those who have heeded them in the preparation for battle. Exemplifying one of these principles, David vanquished Goliath because, in addition to his unique armament, he was enabled to select a battle range outside of the destructive range of his adversary's formidable sword and spear, but within that of his own long-range sling. We employed the same principles in the War of 1812, when our small but easily maneuvered vessels, armed with one or two long-range "chasers," easily vanquished England's heavy ships, bristling with guns of lesser range. Have these lessons been kept in view in the design of our warships constructed during the past 12 years? Do they possess the elements of mobility and destructive range of gun necessary to enable them to destroy or harm an enemy without receiving commensurate damage, which is their unique function?

Superiority of speed enables a fighting ship to exercise her purpose at will, and therefore to engage an enemy when she is in the most favorable position with reference to range, wind, wave, and sunlight, which are and always have been determining factors in naval battles. It also enables her to avoid battle when damaged or when deficient in ammunition or when the enemy possesses superior gun power. On the other hand, a fighting ship is useless, whatever may be her speed, if her armament is inferior to that of her adversary, in view of the battle range and her protection at such range. Gauged by these recognized standards, have we any ships that could be considered efficient in combat with those of other great naval powers?

Take for example the newest of our 22-knot cruisers, the *North Carolina*, the *Tennessee*, the *Washington*, and the *Montana*, each mounting two 10-inch guns forward and aft for their primary batteries, and the *Pennsylvania*, the *Maryland*, the *West Virginia*, the *California*, the *Colorado*, and the *South Dakota*, each mounting two 8-inch guns for their primary batteries. What offense or defense could all of these ships acting together as a fleet oppose to even a single fast ship of say the *Indomitable* or *Von der Tann* class of about 28-knots and mounting 12-inch guns. We trust the test will never come because all progressive officers recognize that this cruiser fleet costing $75,000,000 and the crews numbering more than 5,000 men would be sacrificed and without inflicting any injury whatever upon the enemy, as their guns could not even reach him at the range that would be selected where his guns could destroy our ships. If the traditions of our Navy were to be reversed and our ships were to run away some might survive to be sunk another day. There was no excuse for installing this inefficient armament on these cruisers. If no more weight was permissible for primary battery purposes then single gun installations of 12-inch caliber, or preferably 14-inch, should have been employed, and since their armor is thin these guns should have been arranged to fire at extreme ranges, so that even a faster and more powerful enemy might be disabled before arriving at an advantageous position for attack. Moreover, in the event of damage or accident to them causing a considerable reduction of speed, which is an eventuality that occurs frequently in even peaceful maneuvers, these cruisers if attacked by some slow battleship could strike back, which is impossible with present armament. If, however, in addition to big-gun batteries they were equipped with high-explosive shell they would be able to destroy any enemy at the extreme range of their guns and therefore could meet him with confidence.

These cruisers are the natural protectors of the torpedo and supply fleets. Without them the whole Navy is useless. They should therefore be made defensible by giving them a powerful offensive armament, otherwise an enemy's fast cruisers mounting 12-inch guns, by encircling our fleet, could deprive them of these valuable auxiliaries, thereby leaving our battleship fleets to become an easy prey to the attack of the torpedo at night or in a fog. Shall this vital defect in our Navy be permitted to stand, because to remedy it would be to recognize that a mistake had been made in carrying out the absurd recommendations of the bureaus? Much less should it be deferred because of the cost, since the cost of a single new battleship would make these 10 now inefficient cruisers of greater fighting value than all our battleship fleets. This brings us to a consideration of the fighting value of our battleships. These ships have all been constructed and armed on the hypotheses—first, that their 12-inch armor-piercing shell could disable any ship at any range that hits could be scored, and this hypothesis was still maintained by the Chief of the Bureau of Ordnance in his late testimony before this committee; and second, that outside explosive shell from even larger guns could not put them out of action. We still have the ships, but not the hypotheses. They have been disproven, thanks to the initiative and patriotism that brought these points to a practical test. Armor penetration, like perpetual motion and occultism, has always had its believers, who, once having become committed to the faith, could never renounce it without admitting their previous ignorance of physical laws. All honest experts in ordnance matters, however, have known and urged for years that it was absolutely impossible for the axis of a rapidly rotating projectile in flight to remain coincident with its trajectory, and therefore at long range penetration of thick armor plate was impossible. The Russo-Japanese war also demonstrated this, and every report, from whatever source, shows that there was not a single instance in that war where thick armor plate was penetrated, but in this country the influences have been such that no recognition of the fact has been permitted to change the plan of naval construction and armament thereby and since proven to be absolutely antiquated. In this connection it is significant that the bureaus have always, and still oppose, any and all improvements and tests tending to overthrow their idol. For example, the test of actual penetration at the minimum fighting range. Likewise the torpedo has always been opposed because its maximum range fixes the minimum battle range, compelling the ships to fight at a distance at which it is known the guns are inefficient; and the range and effect of torpedoes in this country would be much greater to-day were it not for this opposition.

Telescopic sights were opposed because they made it possible to score hits with certainty beyond any range at which armor penetration was possible. Elevated stations for spotters were opposed because such positions made it possible to tell with certainty at extreme ranges whether a shot struck short or over, and therefore to determine with a few shots the correct elevation of the gun for any range. The guns also have been limited in their range of elevation by the construction of their carriages and the turret ports so as to restrict their range. At the same time the length of the gun has been increased in the attempt to show progress in armor penetration, but the result, which is concealed from the public has been to cause the guns to become useless by erosion after from 50 to 60 shots, which corresponds to a short, sharp engagement lasting less than an hour and a half. This fact, however, has caused no change in the blind adoration of the fetish of armor penetration, and ships are now being built to carry more guns to make up for their short life, which already limits the useful life of a battleship costing $10,000,000 to about one hour and a half, after which she is helpless until new guns are placed in her turrets, which would probably not be until after the close of a war under modern conditions. The absurdity of the situation, however, reaches a climax when the further fact is considered that as a result of this suicidal gunfire (as shown by the Russo-Japanese War, and which will be determined by the *Katahdin* tests when carried out, and which are deferred purposely to prevent the effect on this appropriation bill) no damage whatever will result to the enemy.

On the other hand, at least for the past 12 years, all authorities have recognized that a powerful outside explosive shell would seriously harm a ship when exploding in the water within a distance of 30 or 40 feet, but this fact has been concealed from Congress and the public because its recognition would put an end to the armor-penetration idea with its attendant demands for heavy appropriations. It has, therefore, been evident for all this time that such shell, without reference to their effect when exploding in contact with a ship, would put her out of action, although fired at the maximum range at which a hit could be scored. This fact alone should have changed our whole plan of construction and armament 12 years ago, but it did not. Neither did the results obtained with the Isham shell at that time and at later dates, which demonstrated conclusively that they would destroy any ship against which they might strike on either glancing or normal surfaces. The Japanese, however, not being bound to bureaus, entailed policies, or interest, accepted the results which our tests furnished as to the value of the Isham shell and turned them to their use in the Tsuchima fight with disastrous results for the Russian fleet, and were we compelled to oppose her ships, equipped with Isham shell, with our own, which are now equipped exactly as Russia's ships were equipped with armor-piercing shell, they would share the same fate. There is no Penzance chivalrie in war, and we can not maintain our standing as a great power without something more substantial than bluff. Therefore our ships should be prepared to fight under any conditions that may be enforced. To fulfill this condition all fighting ships, whether built or in course of construction, of suitable displacement should be provided with one or more guns of at least 12-inch and preferably 14-inch caliber, designed to be used with such powder pressures as will give them a long life, and arranged to fire high-explosive shell at an elevation of 25 degrees, giving them a destructive range limited only by visual conditions, or, say, 20,000 yards or more.

Range finders will give the approximate range of an enemy, the splash and explosion of the high explosive shell will throw up such columns of water that spotters aloft could easily determine whether they strike short or over, and the range is thus obtained with a few shots. To then obtain a destructive hit on or near a battleship at a range of 20,000 yards is an easier matter than to hit the regulation target at 10,000 yards, because the target offered to shell, having an angle of fall of 35 degrees, would be 20 times the size of the regulation target, which is now hit with nearly 50 per cent of the shots at a range of 10,000 yards. These ships should be provided with large supplies of ammunition, which will enable them to fire at and destroy any kind of ship or mine showing itself or known to exist and near which a shell may be made to strike. This will render them immune from all such forms of attack. To understand some of the influences that in the past have prevented an honest, unbiased, and fair consideration of this matter a synopsis of the record in the case is introduced.

A little more than 12 years ago I demonstrated on the proving grounds at Sandy Hook the safety in the gun and the destructive effect against armor plate of the Isham outside high-explosive shell. A little later I demonstrated theoretically to the Board of Ordnance and Fortification, first, that armor-piercing shell could not penetrate armor plate at long ranges; second, that outside explosive shell were destructive whether exploding against a ship or in the water nearby, and up to the maximum range of the gun, as they were not dependent upon velocity, and therefore made possible the destruction of an enemy's ships at a range at which armor-piercing shell were inefficient.

The following year the Board of Ordnance and Fortification made investigations and carried out tests to establish the facts in my contention. A little later Gen. Miles and Maj. I. N. Lewis, respectively, president and recorder of the Board of Ordnance and Fortification, appeared before the Fortification Committees of Congress, and, as contained in the minutes, stated substantially: First, that armor-

piercing shell could not penetrate armor at long range because of the gyroscopic movement stored up in the projectile, resulting from its rotation, which caused it to strike flatwise at long ranges. Second, that the test made by the board against armor plate with the Isham shell had clearly shown that it would destroy any battleship up to the maximum range of the gun, and it was recognized by authorities, as expressed in Abbott's formula, that it would also destroy a ship if exploding in the water within 30 or 40 feet. They also showed that such shell did not require high gun pressure and therefore obviated the rapid erosion of the gun which resulted when employing the excessive pressures required by armor-piercing shell. They furthermore showed that the tests of the Isham shell and its method of subdividing the charge, which might be increased indefinitely, made the shell perfectly safe under any required conditions. Congress thereupon passed an item for the purchase of the rights for using this shell, and if the War Department had given this matter fair and unbiased consideration, this country would have been saved several hundreds of millions of dollars which have been wasted in the meanwhile because of the attempt to overthrow the truth as expressed by Gen. Miles and Maj. Lewis. The record in this case is very interesting. The appointment of Capt. Crozier to be Chief of Ordnance and the use of his disappearing gun carriage were both opposed by Senator Proctor, who was urging the correctness and importance to the country of my claims.

But Gen. Crozier's relations with the Bethlehem Steel Co., shown by the investigation, did not prevent his appointment, neither did the fact that three-fourths of the coast-defense officers disapprove of his gun carriage prevent him from being placed and retained until the present time in a position where he prevents the fair consideration of all matters conflicting with his interests or opinions. The late Hon. Francis Cushman, in a letter to the Secretary of War, in showing the bias and prejudice that entered into the treatment of my interests by Gen. Crozier and his assistants, stated, among other matters, that Capt. Wheeler, of the department, had apparently cozened this Government out of about $17,000 through his interest in the Gurdom gas check. The result of this was that Capt. Wheeler was placed in charge of my matters and I was forced to arrange the details of my tests with a man whom a Congressman, acting in behalf of my interest, had apparently charged with cozening the Government. A test was demanded of my shell to decide its safety at a gun pressure of 50,000 pounds per square inch, which was two and a half times the pressure at which the Board of Ordnance and Fortifications and other unbiased officers of the service claimed my shell or any others should be fired to preserve the life of the gun from erosion. I went into the test with an 8-compartment shell to demonstrate that there was an excess of safety in the regular 10-compartment shell. I also, with the knowledge of the department, reduced the amount of camphor in the gelatin from 4 per cent to about 1½ per cent, which further increased its sensitiveness. Under such conditions, and with the factor of safety purposely reduced to a minimum, the department surreptitiously froze the shells, thereby very greatly increasing their sensitiveness to shock and in direct violation of the positive orders of the Secretary of War, who had ordered that "the test be made with such pressures as previous tests seemed to justify," which clearly precluded the employment of the frozen sensitive condition, as no tests had been previously made with gelatin in that condition, and which the department in a report stated was too sensitive for employment in a shell. The record shows that the first shell with frozen gelatin at a gun pressure of 43,000 pounds per square inch withstood this terrible test and disproved the report that frozen gelatin could not be fired. The second shot with frozen gelatin at a predetermined pressure of over 50,000 pounds per square inch blew up the gun exactly as was previously stated by me and admitted by the department would result if the explosive charge were more sensitive than the gelatin which we had adopted for the test as the result of our joint computations and calculation.

An investigation of this matter by the President of the United States, then Secretary of War, caused him to set aside the unfavorable report of the department and order two tests to determine the destructive effect of these shell against armor plate. One of these was carried out, but the department made such an evidently unfair report and the bias and prejudice exhibited was so pronounced that the second test was not made. The results already achieved appealed to the fair-minded men in the service and caused, among others, Capt. Sims, naval aid to President Roosevelt, to urge further tests and to state before the Senate committee that if my shell were proven destructive, as claimed, "the jig was up with the navies of the world." Capt. Hobson and other members of the House Naval Affairs Committee also became convinced that the shell had not been fairly tested and that it was employed by the Japanese in the great naval fight in the sea of Japan to destroy the Russian fleet, as stated by Capt. Semenoff, chief of staff of the Russian commander. An item was inserted in the naval appropriation bill authorizing tests to determine the effect of the shell against a regular battleship simulating its effect at the extreme range of the gun and another test to determine whether the service projectile could penetrate thick armor at even the minimum battle range. The first test has been carried out and the *Puritan* selected for the attack, and which possesses a greater resistance than a more modern ship to inboard thrusts at the points selected, as a computation will show, now lies on the bottom with her turret out of commission as a result of the attack. It is therefore evident that after 12 years the truth obtained by Congress as to the effect of the Isham shell has been verified by Congress in spite of the opposition of the bureaus, which have in the meantime caused hundreds of millions of dollars to be expended upon the assumption that such outside explosive shell would have no effect upon a battleship. When the second test ordered by Congress is carried out, as now arranged for against the *Katahdin*, if it is done in a public and straightforward manner, the misrepresentations with respect to armor penetration which have been continually presented in opposition to the claims for outside explosive shell will become publicly known, and the end will be near for the flimsy sophistries by which the public has so long been deceived and our National Treasury looted.

It was recently stated before this committee that the new 12-inch projectile would penetrate 15 inches of modern armor at 10,000 yards, and also that the axis of a projectile is practically tangent to the trajectory at all times. The first proposition is obviously dependent upon the accuracy of the second, but the second is disproven by all textbooks on ordnance and gunnery as also by the discussions of this subject in the War College and elsewhere abroad, as contained in the service magazines and scientific publications referred to in the appended memorandum. In view of such incontrovertible testimony, with which the bureaus were cognizant, and in opposition to which they possessed no new theories or results to controvert, why was the recent contract, amounting to millions of dollars for armor-piercing shell, entered into long after the disclosures in such official publications, and whereby this Government, if these opinions were correct, would be defrauded out of this money by the purchase of material thereby proven to be worthless, and while the test which they were ordered to make was nearly ready to be carried out to settle this point? Moreover, if such evidence is still of even the slightest value, how can the bureaus expect Congress to make still further appropriations for the purchase of such shell while the same test is still pending, ordered by Congress, to settle this controversy and promised by the bureaus two years ago?

Congress is a purchasing agency for the people. Would any purchasing agent buy an article for a client which it had been instructed to test, before such test had been actually carried out? Would not a purchase in such an event be an unwarranted abuse of confidence? There never perhaps was a time in the history of this country when we needed to construct efficient ships, guns, and shell more than at present, but, in view of the conditions of finance, there never was a time when there was less excuse for making appropriations for such purposes, either to create a market for steel or to protect a few reputations of doubtful value.

The official report submitted by this committee on the results of the *Puritan* tests is such a remarkable presentation of the facts that a few comments are necessary: The 8-inch circular turret of the *Puritan* is surrounded and sustained by a 14-inch barbette, built up solidly from the protective deck. The turret therefore presented its material as an arch, held in place by the barbette, to receive the gas pressure that resulted from the explosion, and was therefore much more resistant, as a computation will show, to this form of attack than the heaviest modern turrets, having practically plain surfaces, and which offer only transverse resistance. Likewise the location for the charge on the armor belt was selected against my wishes, where the armor was only 10 inches thick, because at this point a heavy deck ran across the ship and sustained the frames at this point from inboard thrust and made them more resistant than those in the central part of this ship or in any other ship. It is also stated that the first charge was perfectly detonated, but the pressure gauge readings were less than 500 pounds per square inch, while those obtained in a test at Sandy Hook, when an Isham shell was fired against a plate, gave 4,800 pounds per square inch at the same distance. I make no comment on this. I merely present the fact. Attention is also directed to the press reports of the test, which uniformly stated that the ship was on the bottom within two minutes, and that the continued pumping by two or three tugs, in addition to the ship's own pumps, could not cope with the water. This is quite different from the official report, and it is certain that had the water been deeper she would have stood on end and gone down at once, as her buoyancy at the stern was completely destroyed.

The divers' reports show that the whole side was driven in, the rent extending to a much greater depth than any ship is protected by armor.

It is established by reliable testimony already introduced that armor-piercing shell are useless, and that consequently appropriations for ships or guns designed for or dependent upon the armor-piercing hypothesis are a waste of public treasury. The alternative proposition of outside explosive shell, pending in this country for 12 years, was tested in actual battle in the Russo-Japanese War and established its supremacy beyond question. The destructive effect of such shell has also now been proven in this country by the *Puritan* test. In view of these established facts, what reason can now be advanced against the future disuse of armor-piercing shell and the substitution of high-explosive shells? It is absurd to bring any argument against the safety of the Isham shell, in view of the record, any more than could be brought against the safety of a rope or a bar of steel because one broke in an excessive strain test. Were cannon ever discarded as armament because one blew up with an excessive charge? The result would only show their limitation and furnish data to enable any requirement to be met.

In the case of the Isham shell this is done by either increasing the subdivision of the charge, thereby reducing the shock to the desired extent, or by increasing the insensitives of the explosive by adding camphor until, if desired, it is rendered absolutely insensitive to shock and can be fired in the ordinary shell. Furthermore, such criticism of this shell appears absurd, in view of the fact that the nation which is our competitor for supremacy in the Pacific already uses these shells, and hence, if we consider that they are too dangerous for our use, in view of their advantages, we have left the only alternative of going out of the navy business, and incidentally out of the world-power race, and possibly out of existence as a Nation. It is not to be expected that the bureaus, burning with prejudice and bias that has been further fanned by recent developments, will favor the purchase of such shell or a change in the plan of naval construction; but will this country's defenses be further placed in jeopardy and her Treasury wasted merely because it interferes with a few traditions or opinions? President Taft stated two years ago that "No nation had a right to sit in judgment in its own cause." Therefore no department of the Government has such a right, and it would appear high time, in view of the developments, that steps were taken by Congress to correct the condition.

To this end your aid is invoked to secure fair treatment for my interest and the interest of the country

As supplementary to this presentation and forming precedents and premises upon which the argument is based, the following memorandum of facts, drawn from recognized authorities, is appended:

MEMORANDUM—BATTLE RANGES.

[Journal of the United States Artillery, November–December, 1910, p. 329.]

The Hardcastle 21-inch torpedo (adopted by England; probably purchased by Japan) carries a bursting charge of 250 pounds, and its extreme range exceeds 7,000 yards at a speed of 40 knots. Any vessel of an enemy which comes within about 4 miles will render herself liable to attack from these exceedingly powerful torpedoes.

Set at a 20-knot speed, the range of the torpedo would be very much greater and the minimum battle range of the future will be therefore not much under 10,000 yards.

[Journal of the United States Artillery, January–June, 1910, p. 65.]

The battle of July 28, 1904. According to the testimony of the onlookers as well as of those who participated in the engagement, the effect of the Japanese shell was very considerable. The Japanese opened fire at 14 kilometers, nearly 9 miles.

PENETRATION OF 12-INCH GUNS AT BATTLE RANGES.

[Journal of the United States Artillery, July–December, 1909.]

(P. 223.) It is now generally agreed, however, that less than 10 per cent of the shot fired in action at a moving ship in a moderate sea will hit the target normally, and considering impact with reference to the horizontal and vertical plane it will easily be seen that at any range normal impact is out of the question.

(P. 224.) A projectile on striking is invariably parallel to the muzzle of the gun. At short range it strikes at right angles and at long range it strikes point upward. For instance, supposing the range to require a 20° elevation to the gun the projectile will strike vertical armor at 20° from normal.

(P. 225.) Thus in the case of a 12-inch A. P. shell fired at vertical armour at 8,000 yards it leaves the muzzle at an angle of 5.7°, and at impact its trajectory is pointing downward at an angle of 7.4°, or 13.1°, between the axis and the trajectory.

(P. 226.) There is no record of a single case in which the main belt, turret, or casement armor was perforated either at Tsushima or in the battle of August 10, 1904.

LIFE OF 12-INCH GUN WITH A. P. SHELL.

[Report of the Chief of Ordnance, United States Army, 1906.]

(P. 25.) The life of this gun firing a projectile of 1,000 pounds weight with a velocity of about 2,500 feet per second is only about 60 shots. * * * The limit of its life could be reached in less than an hour and a half.

(P. 77.) The erosion in 12-inch guns, model of 1900 No. 2, after 48 rounds, is very great. The direct and immediate effect of this erosion when it has proceeded far enough is the tumbling of the projectile in flight.

(P. 79.) Twelve-inch guns used at their highest power can not be expected even if perfectly new to last through an engagement of greater duration than one and one-fourth hours. * * * This lack of staying power is sufficient it is thought to condemn them as a part of existing or future armament.

[Journal of the United States Artillery, November–December, 1910, p. 355.]

Seacoast cannon have begun during the past two years to show signs that the end of their accuracy life has been reached, though the number of rounds producing this result was less than had been expected from proving-ground experiences.

SAFETY OF EXPLOSIVE GELATIN.

[Explosive mixtures, Berthelot, p. 73.]

Frozen gelatin possesses a sensibility to shock comparable to that of nitroglycerin.

[Explosives and Their Power, Berthelot.]

(P. 438.) Dynamite requires a much more violent shock to explode it than nitroglycerin.

(P. 441.) To explode blasting gelatin requires six times the shock required for ordinary dynamite. By adding 1 to 4 per cent of camphor it is rendered insensible to the shock of a bullet fired at short range.

[The Manufacture of Explosives, Guttman, p. 219.]

In order to explode camphorated blasting gelatin the use of a special primer is necessary, which insures a more violent detonation, on account of its giving a larger number of vibrations.

[Ordnance and Gunnery, Fullam and Hart.]

(P. 325.) Blasting gelatin requires a strong detonator and close confinement to develop its full power.

(P. 326.) Explosive gelatin is blasting gelatin with the addition of camphor. The proportions generally used are 87 per cent nitroglycerin, 7 per cent nitrocotton, 4 per cent camphor.

It is insensitive to shock, rifle balls having been fired into it at short range without exploding it, and it is believed to be as stable as gunpowder when manufactured from pure ingredients.

EFFECT OF OUTSIDE EXPLOSIVE SHELL.

[Ordnance and Gunnery, Lissak, p. 583.]

In recent experiments with a submerged target, built in exact representation of the bottom of a battleship, a 12-inch shell containing 64 pounds of high explosive (equal to about 25 pounds of explosive gelatin), at a distance of 15 feet nearly disrupted the target.

[Journal United States Artillery, January–June, 1910.]

(P. 66.) The battle of Tsushima.—The effect of the torpedo shell was as if actual submarine torpedoes had been discharged upon the ship's decks. The armored turrets were destroyed. The guns torn from their mounts even without being struck.

(P. 69.) It was not the greater speed of the Japanese ships, nor the kind of armor, nor the greater load on our ships, nor the superiority of the Japanese as to personnel, material, or number of guns of medium caliber which decided the naval battle in Asia, but simply the torpedo shell opposed only by an armor-piercing shell and a semirupture shell with a weak bursting charge.

(P. 68.) The great advantage of the torpedo shell over the ordinary armor-piercing shell is that its effect is not dependent on the range.

[Ordnance and Gunnery—Lissak, p. 359.]

When the projectile first issues from the piece its longer axis is tangent to the trajectory * * *. The longer axis of the projectile being a stable axis of rotation tends to remain parallel to itself during the passage of the projectile through the air.

[Journal of the United States Artillery, November–December, 1909, p. 225.]

In the case of a 12-inch A. P. shell capped, loaded, and fused, fired at vertical armor at 8,000 yards, it leaves the muzzle with its axis pointing upward at an angle of 5.7°, and when impact takes place the trajectory is pointing downward at an angle of 7.4°. The figure illustrates this condition and shows an angle of 13.1° between the axis of the shell and the trajectory.

[Scientific American, July 2, 1910.]

Several years ago the writer visited Sandy Hook Proving Ground to inspect one of the most dramatic tests of armor plate that ever was made at that famous place. A 12-inch shell, loaded with high explosive, had been fired against a face-hardened 12-inch armor plate. It had passed through the plate intact, and, bursting just to the rear of it, had literally torn to ribbons the heavy steel plating representing the interior framing of a battleship.

Everybody who looked at that shattered and twisted mass of steel and timber read the doom of the battleship writ large upon it.

Half a dozen years later came the opportunity to test, in the arena of actual conflict, the apparently verified theories of the artillerist and the proving ground. The stupendous conflict between the fleets of Russia and Japan brought together in the greatest naval engagements of modern times two opposing fleets, each of which contained representatives of the most up-to-date types of battleship. Hour after hour through the livelong day and at all the possible fighting ranges, the high-velocity gun hurled its projectiles against the best harveyized and Krupp armor plate. Time and again the shells reached the enemy on belt, barbette, and turret, with the result that in not a single instance was penetration effected through these heavily protected portions of the ships.

But why, the layman will ask, were not the results of that Sandy Hook Proving Ground test repeated in the sortie from Port Arthur and in the disaster of the Battle of Tsushima Straits? The answer surely is to be found in the fact that proving-ground tests do not represent the conditions which actually obtain in an engagement. The work done by a shell which strikes normal to the proving-ground target is no criterion by which to judge its effect when, after a flight of several miles across the water, it falls obliquely against the side or turret armor of a battleship.

For proof of the above statements we have prepared the accompanying diagram, which illustrates the probable battle conditions. Let us suppose that war has broken out between this country and another with the sudden and explosive violence of a volcano, and that our fleet of *Dreadnoughts* is engaged with the enemy in fighting a broadside engagement at the expected distance of about 9,000 yards. The 12-inch guns have been set at the correct elevation of 5° 04.1′ corresponding to that range. The shell leaves the gun with its axis inclined upward at 5° 04.1′ to the horizon, and under the action of the rifling it has been set spinning on its longitudinal axis at a speed of several thousand revolutions per minute. It describes a flat parabolic curve, reaching its greatest elevation at a point about halfway between the two ships, and striking the enemy at an angle of fall of 7° 18′.

Because of the gyroscopic effect of its rapid rotation, the axis of the shell does not maintain a position tangential to this curve, but parallel to its original plane of rotation, which, as has been seen, is over 5° 04.1′ inclined to the horizontal. Consequently, if the enemy's ship is floating on an even keel, when the point of the shell strikes the vertical side armor its axis is not normal to that armor, but is inclined to it 12° 22.1′, which is the sum of the shell's angle of departure and its angle of fall. Now, the striking energy of the shell may be considered as concentrated at the center of gravity, which will be at about its mid length, and consequently when the point of the projectile brings up against the armor the energy will not be directed on that point along the axis of the shell, but rather through the axis of gravity on a line parallel to the angle of fall and several inches below the point of impact. Hence it follows that an enormous transverse bending stress will be exerted upon the shell, which will be so great as probably to fracture it before penetration of the armor can be effected.

There is, then, little wonder that throughout the whole Japanese war 12-inch shells failed to get through 12-inch armor.

In this connection it is surely significant that the British armored cruisers of the *Invincible* type (they are really battleships) carry only 7 inches of armor for the water-line protection.

[Report of Chief of Ordnance, United States Army, 1906: Appendix 1, pl. 9.]

The accuracy life of 12-inch guns, model of 1900, is shown to be about 48 rounds, the muzzle velocity being about 2,550 foot-seconds.

With a muzzle velocity of about 2,150 foot-seconds, its accuracy life is shown to be about 300 shots.

Mr. ISHAM. If there are any questions I shall be pleased to answer them, if I may be permitted. I wish to make one point clear. The gentleman from Ohio, if I read the minutes correctly, asked a gentleman testifying before this committee whether the projectile struck in that way or that way [indicating]; the answer was that it struck with its axis coincident with its trajectory. The whole argument of the department in favor of armor-piercing shells hinges on that point, as it is evident to anyone that if a projectile strikes flatwise it can not penetrate, but that it must strike normally to penetrate. I wish to introduce as evidence the textbook on Ordnance and Gunnery by Lassak. This authority shows that the axis of the projectile always remains parallel to the bore of the gun. This fact is introduced in the textbook to account for the drift of projectiles. I tried to have the question put to the gentleman the other day how he accounted for drift, but somehow it was left out. There is no way that drift can be accounted for except by the hypothesis that a projectile travels with its axis parallel with the gun's axis, and then it rolls to one side on the air as a baseball does if given a "twist." I wish to also introduce an article published in the Scientific American of July 2, 1910. This article is by a high authority.

The CHAIRMAN. You put those in your hearings. They are all short extracts?

Mr. ISHAM. Yes. I also want the drawings to go in. There is also another article in the Army War College organ "Artillery" which is especially good, and which, I think, everyone will accept as the highest authority in such matters, which says that the projectile will always strike with its axis making an angle with its trajectory equal to the angle of elevation plus the angle of fall.

Mr. PADGETT. What is you idea of the disposition we should make of the guns that we now have in the ships? Do you want to displace them entirely and substitute outside explosives, or do you want to keep the guns?

Mr. ISHAM. I want to use the same guns if they are of 12-inch caliber or larger. May I have a minute to answer that? If we were to go into battle to-morrow, one-half of our guns, if we used A. P. shell, would be out of service because of erosion inside of 35 minutes, because they are already badly worn by target practice.

Mr. PADGETT. You want to keep the guns, but you want to do away with the present projectiles?

Mr. ISHAM. Yes, sir; because they can not penetrate armor at battle ranges, as claimed for them, and therefore to purchase them is a waste of money; and, moreover, while these are being used our guns are being rapidly worn out. There is no excuse for purchasing this projectile except to make a market for steel.

Mr. PADGETT. And would you substitute entirely your projectiles?

Mr. ISHAM. Yes, sir. The Japanese and the Russian fleets both used A. P. shell in the first fight, and they had no effect on either side. The Japanese used my shell in the Tsushima fight, and destroyed the Russian fleet in a short time. I can offer no better proof of their relative merits

than the comparative results of the two shells as demonstrated by the actual conditions of warfare.

Mr. HOBSON. They could be used with both shell, could they not?

Mr. ISHAM. Yes, sir; A. P. shell and Isham shell might both be fired interchangeably from the same gun, but since the latter will destroy any ship against which or near which it strikes, it seems absurd to couple with it the former shell, which has no effect on the enemy, but has a suicidal effect on the one that employs it. I trust the committee will authorize the purchase of at least a thousand of these shell, so that our competitors in the race for world power may take notice that we are not behind them in preparedness for war, which, being the most effective argument for peace, will tend to secure it, and I venture the opinion that if war results with our Pacific neighbors it will be because of our neglect to avail ourselves of the advantages which they secured through the adoption and use of the Isham shell.

(Thereupon, at 11.40 o'clock a. m., the committee proceeded to other business.)

Mr. HOBSON. Mr. Chairman, I offer an amendment, the same as one of last year, with certain changes.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended in experiments unless in the development of armor-piercing projectiles and high explosives an attack on heavy turret armor and heavy belt armor is made by armor-piercing projectiles at not less than 15,000 yards.

Mr. MANN. I reserve a point of order against the amendment for the purpose of asking the gentleman from Alabama a question. Is this amendment the same as that of last year, except that it provides for an increased range?

Mr. HOBSON. Yes.

Mr. MANN. I withdraw the point of order.

Mr. PADGETT. Mr. Chairman, I think it is hazardous to adopt that amendment. Last year we put in one for the testing of projectiles at 7,000 or 8,000 yards.

Mr. MANN. Eight thousand.

Mr. PADGETT. But to make the whole appropriation dependent upon experimenting at 15,000 yards, when all the evidence shows that 10,000 is the limit of practical experiment, is, it seems to me, to jeopardize the whole appropriation.

Mr. ROBERTS. It is to stop the whole appropriation.

Mr. PADGETT. I think it would be very unwise for us to hazard and jeopardize the whole appropriation in an experiment of that kind. I hope the amendment will not prevail.

Mr. COOPER of Wisconsin. Do I understand the gentleman to say that 10,000 yards—30,000 feet, or 5 miles—is the limit? Is that the range at which they experimented down here at Indianhead?

Mr. PADGETT. No; that was at 8,000 yards, but this proposes to fix it at 15,000 yards, and 10,000, as I said, is the practical limit.

Mr. COOPER of Wisconsin. What was the distance down here at Indianhead?

Mr. ROBERTS. Eight thousand yards, or 4 nautical miles.

Mr. HOBSON. Gentlemen will remember, I am sure, that in the discussion when this amendment was introduced last year it was stated that we ought to find out the effect of armor-piercing projectiles fired at as high as 10° elevation, with an angle of fall of about 15°. Gentlemen will also see that 8,000 yards, stipulated last year in the bill, was simply the minimum distance at which the test might be made, while it was expected that they would be carried out at a much greater range; and if the gentleman from Tennessee will take the report of these experiments, he will see that the angle of elevation in the *Katahdin* tests was only 4° 31′, which is scarcely more than half of the angle of elevation that ought to be expected at extreme battle ranges, and simulated proving-ground conditions more than those of actual battle. The gentleman will also remember that they made four hits at 8,000 yards on a target but a small fraction of the size of a ship, showing that the fire is very accurate at that range, and that they will score a large percentage of hits at ranges away beyond that, and that to-day the target practice is at 10,000 yards and over.

He will notice that 8,000 yards was the minimum limit, and every shell that struck the armor broke up, even against 8-inch armor. In the proving ground had those shells been fired at short range not a single shell would have broken up; in breaking up at all the shell showed something extraordinary in the condition of the shell striking that armor. It shows that with only four and a half degrees of elevation the shell struck obliquely and broke up, although it had enough energy to get through. Now, at 15,000 yards, which will be the range in future battles, if they use high-explosive projectiles, it does not matter what the angle is, as the effect is not dependent upon penetration; and if they even hit within 50 feet of a ship it will do great damage. The reason I use the 15,000 yards now in this amendment is in order to determine once for all what is clearly indicated by the test, that a projectile is inclined to its trajectory, and at long ranges will be broken up. The experiments were not complete as carried out under the law of last year, and this experiment will make it plain. They should first try 10,000 yards, then 12,000. I believe there is some place in this bill where this Congress, without having it subject to a point of order, will be able to provide for getting the service equipped with shells which we ought to have had for the last 10 years. I do not mean any particular make of shell, but a shell that will hold high explosives for use at long ranges. I believe we will find a place where Congress can so instruct.

Mr. PADGETT. Mr. Chairman, I wish for about five minutes——

The CHAIRMAN. The gentleman from Tennessee asks to be heard for five minutes. Is there objection?

There was no objection.

Mr. PADGETT. I will yield to the gentleman from Illinois.

Mr. MANN. In the opinion of the gentleman from Tennessee are we not safe in trusting the Navy officials to make these experiments? They have the power if they think it is proper so to do.

Mr. PADGETT. Exactly so. I was going to call attention to the fact that in the language of the bill we had enlarged the ordinary language used heretofore by saying instead of "armor-piercing projectiles" "armor-piercing projectiles and other projectiles." So the department has full authority under the language of the bill to experiment.

Now, speaking about 20,000 yards, a ship is invisible at 20,000 yards, and the telescopic sights and fire-control arrangements will not operate at anything practical above 10,000 yards. So that to place a limitation of 15,000 yards in this amendment is simply to jeopardize and hazard the whole appropriation, and I hope it will not prevail.

Mr. HOBSON. Mr. Chairman, I was 18 years under the Navy Department. It is very far from me to make strictures on that department, but the question of the gentleman from Illinois brings out very clearly the naval development. If he will go back only three and a half years he will see where, under the Navy Department regular procedure, the *Dreadnought* battleship was condemned, and left in full discretion we would not have had any *Dreadnoughts*.

Further, if he will go back beyond that—and I am not citing all of the precedents, but I will take one—take the introduction of the Monitor type of armor ship. The Navy Department refused again and again—and the technical boards backed them—refused to accept the *Monitor*, and the *Monitor* actually fought the battle with the *Merrimac* when it was owned by private citizens of the United States. Practically every advance in ordnance, in torpedoes, in armament of various kinds, has frequently had to come in spite of the Navy Department.

Now, I call the attention of the gentleman to the fact that last year when I advocated it, it was not as a partisan of any particular kind of attack on armor.

I recognize that the Navy Department and the Ordnance Department of the Army ought to proceed on their own initiative and develop high-explosive shell fire. This is made necessary by the existence of these fast ships of 26, 27, 28 knots, which can select their own range from a battleship, and will never be practically in any danger. From such points they can drop high-explosive shells on the battleships, and they are being built for that purpose. They are 2, 3, or 4 knots faster than battleships and they carry large guns. I am surprised that the gentleman from Tennessee [Mr. PADGETT] would tell us that 10,000 yards is the limit of the battle range. Why, we are now having battle practice at 10,000 yards, which is much less than the condition of actual battle. I think he will find that the Battle of Shushima was fought at as high as 10,000 yards, and in any case at 8,000-yard range. I am not a partisan of either system of attack. Both of these experiments have been wonderfully gratifying to me, the results fulfilling exactly my ideas in both cases, namely, the great power of the high explosive on the one hand and the usefulness of the armor-piercing projectile, but its limitations, on the other hand.

I felt that advocates of high-explosive shells did not appreciate the value of armor-piercing projectiles at short and moderate ranges, and I also felt that advocates of the exclusive use of armor-piercing projectiles did not appreciate the great value of high-explosive shells and their great value at long ranges. If the gentleman from Illinois will ask the people at the Navy Department, they will tell him that the sinking of the *Puritan* was a revelation to the Secretary of the Navy and all of his advisers; the penetration of the *Katahdin* armor was equally surprising to advocates of high-explosive shells.

Mr. COOPER of Wisconsin. How was it done?

Mr. HOBSON. By an explosion of 200 pounds of explosive gelatin which was calculated to be equivalent to a 12-inch shell exploded alongside her armor plate. The explosion produced a hydraulic wedge, forced downward, and which not only blew in the armor plate itself, but carried the effect below the armor plate into the weak part of the ship. That kind of fire, with such destructive effect, ought not to be neglected in this country. Those nations which we may be called upon to meet in battle are developing that fire, and it is a pity that we have to come down here year after year on the floor of Congress and try to get the department to make experiments to establish the efficiency of shells which have decided the fate of battles and the fate of nations. It was promised us in the Naval Committee three years ago that they would make experiments, but we had to finally compel them to make them.

Mr. LAMB. When that vessel sank what became of the sea lawyer? [Laughter.]

Mr. HOBSON. I believe they had gone to their retreats.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. MANN. I shall object unless we close debate in five minutes, and I ask unanimous consent that debate on the paragraph and all amendments close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. POINDEXTER. Mr. Chairman, the gentleman stated that countries with which we might expect to become involved with war were equipped with these high-explosive shells. I would like the gentleman to state the countries those are—some of the countries that have those shells.

Mr. HOBSON. I have not any doubt whatsoever that the Japanese Navy is fully equipped. [Laughter.] I would like to have the laugh of the gentleman from New Jersey [Mr. HUGHES] in the RECORD. I think the English Navy has been so equipped, and that the German Navy is being now so equipped.

Mr. COOPER of Wisconsin. Does the gentleman call Shimos a high explosive?

Mr. HOBSON. Yes; but it is an inert explosive.

Mr. POINDEXTER. Has anything been done toward equipping the American Navy with high-explosive shells?

Mr. HOBSON. Nothing in the way of outside explosive shells. It is an unfortunate fact that both the Ordnance Department of the Army and the Navy about 10 or 12 years ago committed themselves to armor penetration.

Mr. ANTHONY. Might I ask the gentleman what is the nature of the explosives used in the *Puritan* test?

Mr. HOBSON. Explosive gelatin, chiefly nitroglycerin, with nitrocotton and camphor.

Mr. ANTHONY. I have heard, I think, experts state that there was danger in carrying that sort of explosives on board a battleship in their magazines. Is there any truth in that?

Mr. HOBSON. There is danger in all of these things, but you can put camphor in explosive gelatin in any quantity you please without reducing its power appreciably and make it as insensitive as what we call explosives D, or as insensitive as cordite, and, by the way, the English cordite, which is 58 per cent nitroglycerin, is one of the safest of the smokeless powders and much more stable than the high explosives now in use in this country. Of course there is danger. They blow up guns, but does that cause us to discontinue their use? There have been over 100 guns blown up in the last five years, I dare say.

Danger, of course there is. What do you go to war for? There is danger on a torpedo boat, there is danger on submarines, there is danger everywhere. You must not consider the element of danger in the consideration of destructive implements of war when the enemy does not hesitate to use them. Now, if the Ordnance Department of the Army and of the Navy had not 10 or 12 years ago committed themselves against the development of outside explosive-shell fire, I believe we would be now equipped with high-explosive shell and we would not be trying to push the pressure so high in our guns that they are shortly destroyed by erosion. To secure penetration at 8,000 yards they obtain a flat trajectory by a longer gun and a larger powder charge. The result is that the life of your gun, with a 2,800 foot-second velocity, would not be 48 shots, even if we started when that gun was new. Assuming that the gun is one-half worn out, as the average gun will be, because of target practice, you could get but 24 shots from the guns of our fleets before the shell tumbles, and you could not get half through a battle or shoot one-third of the ammunition in the magazine from the guns before their accuracy life is destroyed.

Under the present conditions they are hoping to penetrate at 12,000 yards and upward, but actually to-day it is not known that they can do so beyond 8,000 yards, although strained until it is impossible for them to live through an hour of battle. And, then, when that battle is over you could not go into a second battle.

Every ship in the fleet would have to go back home and have the guns relined, and weeks and months would be required. Why, it is simply ridiculous the way they have gone on trying to develop the flat trajectory and armor penetration, when a long life for the gun and a long destructive range can be secured with outside explosive shell employing lesser pressures.

Mr. ANTHONY. I would like to inquire if there is a proper provision in the bill for the purchase of a sufficient supply of these explosives.

Mr. HOBSON. There is no provision in the bill at all for the purchase of such shell, and the department will not recommend any, or tests to determine their use and limitations, if they have any.

Mr. ANTHONY. Does the gentleman know whether it is the policy of the Navy Department to go ahead with the experimentation and development of these explosive projectiles?

Mr. HOBSON. It is difficult for me to state what the policy is.

Mr. ANTHONY. I would like to see a provision to carry out the line of the experiment and to purchase a sufficient supply.

Mr. HOBSON. The Navy Department now proposes to sink the old *Texas* and establish the fact that they can sink a battleship with armor-piercing shell. Such a test will prove nothing unless it is made at a range of at least 12,000 yards and the effect judged by the penetrations secured on the thick armor. Modern ships are designed so that they can not be sunk by penetrations made near their ends. When this test is made, it will be interesting to know how many hits were required to sink her and make a comparison with the results of the single outside explosive shell on the belt of the *Puritan*, which sunk her in two minutes.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Arming and equipping Naval Militia: For arms, accouterments, ammunition, medical outfits, fuel, water for steaming purposes, and clothing, and the printing or purchase of necessary books of instruction, expenses in connection with the organizing and training of the Naval Militia of the various States, Territories, and the District of Columbia, under such regulations as the Secretary of the Navy may prescribe, including salaries of the necessary clerical force and office expenses in the Navy Department, at Washington, D. C., $125,000: *Provided*, That immediately upon the approval of this act the necessary employees in the Navy Department, at Washington, D. C., may be appointed, and their salaries and office expenses for the remainder of the fiscal year ending June 30, 1911, paid from the unexpended balance of appropriations heretofore made for "Arming and equipping Naval Militia."

Mr. WEEKS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WEEKS] offers an amendment, which the Clerk will report.

Mr. WEEKS. Mr. Chairman, before that amendment is read, I think, in fairness to the committee, I ought to explain what it is.

The CHAIRMAN. Let it be reported.

Mr. WEEKS. It is 20 pages long.

Mr. ROBERTS. It is the Naval Militia bill, agreed upon by everybody.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to make an explanation before the bill is read.

Mr. MANN. How long a time does he want?

Mr. WEEKS. Two or three minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WEEKS] is recognized for three minutes.

Mr. WEEKS. This bill is a bill which has been reported unanimously by the Naval Committee for the greater efficiency of the Naval Militia of the United States. These militias are organized in 21 States and constitute the only reliable reserve force that the Navy has. They were extremely useful in the Spanish War, and they are in much better condition to-day than they were at that time, but the Navy Department can not make the best use of them under the present laws, because they must take them over as organized bodies, and it is intended that they should be distributed among the ships of the Navy in case of necessity. The expense will not be materially increased, and it simply places the Naval Militia, as far as the Govern-

ment is concerned, in the same relative position to the Navy that the National Guard bears to the War Department under the Dick bill. It makes available at very little expense a very valuable national adjunct. The Navy Department has agreed that this is a bill which exactly meets the conditions they require. It has been passed upon by every representative of Naval Militia organizations in the country. The Committee on Naval Affairs reports it unanimously. There is absolutely no dissenting opinion as to the necessity for this legislation, but unless it is adopted in this way there is grave doubt about its being passed at this session of Congress.

Mr. HOBSON. I would like to supplement the statement of the gentleman and say that it is almost vital legislation.

Mr. WEEKS. I think I am safe in saying, after talks with various members of the Naval Committee, that they feel it is one of the best pieces of legislation they have ever reported to this House, and that there is absolutely no dissent as to its value and the necessity of its being enacted.

Mr. MANN. Mr. Chairman, quite agreeing with that, let us ascertain before the amendment is offered if anybody is going to make a point of order on it, and if not we can have an understanding during the reading of it that we can go to lunch.

Mr. COX of Indiana. Mr. Chairman, I have never had an opportunity of reading the bill. I make the point of order.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. WEEKS] has expired.

Mr. FOSS. Mr. Chairman, I want to say to the gentleman from Indiana [Mr. Cox]——

Mr. COX of Indiana. I make it now, so as to shut off time.

The CHAIRMAN. The Chair has examined the bill, and he is very much in favor of having it enacted into law, but the point of order has been made.

Mr. WEEKS. I made this explanation so that we might know what the amendment is. If any Member is going to make a point of order against it, I will withdraw the amendment, because it would be a waste of time of the committee to have it read.

Mr. BUTLER. It would take half an hour to read it.

Mr. COX of Indiana. I make the point of order on it, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. WEEKS] withdraw his amendment?

Mr. OLMSTED. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 22, page 18, insert:

"That the Secretary of the Navy be, and he is hereby, authorized to loan, at his discretion, to the city of Detroit, Mich., for exhibition in the Detroit Museum of Art, the silver service presented to the U. S. S. Detroit by the city of Detroit: *Provided*, That should another vessel be hereafter named after the city of Detroit the said silver service shall be presented by the city of Detroit to such vessel: *And provided further*, That no expense shall be caused the United States Government by the delivery of the said service, the same to be delivered at such time and under such conditions as may be agreed upon between the Secretary of the Navy and A. H. Griffith, the director of the Detroit Museum of Art."

Mr. MANN. Reserving a point of order, I would like to ask if this amendment is not self-contradictory. It provides that the silver service shall be loaned to the city of Detroit, and then if another vessel shall be named Detroit it shall be presented by the city of Detroit to that other vessel. It should read "returned" instead of "presented."

Mr. OLMSTED. I offer this at the request of the gentleman from Michigan [Mr. DENBY], who represents the district embracing the city of Detroit and who has been called away on pressing business. The ship *Detroit*, to which the silver service was presented by the city of Detroit, has been sold by the Government, and so the service is not now in use. This amendment is simply to provide the means for its preservation, so that if there shall be another *Detroit* constructed it may be given to that ship. The word "returned" would hardly be applicable, as it is to be given to a vessel which has never had it and, indeed, is not now existing. I think "presented" is all right, although it does not make any material difference.

The CHAIRMAN. Without objection, the amendment will be modified in accordance with the suggestion of the gentleman from Illinois [Mr. MANN].

Mr. MANN. Owing to the fact that the gentleman from Michigan [Mr. DENBY] is engaged on pressing business, I shall not insist upon the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

Equipment of vessels: For hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; stationery for chaplains and for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy yards and naval stations; supplies for seamen's quarters; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, and running lights; compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; service and supplies for coast signal service, including the purchase of the necessary sites for wireless telegraph shore stations; bunting and other materials for making and repairing flags of all kinds; photographs, photographic instruments, and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate the machinery belonging to other bureaus, $3,843,300: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service at the several navy yards, naval stations, and coaling stations for the fiscal year ending June 30, 1912, shall not exceed $209,093.60.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the language "including the purchase of the necessary sites for wireless-telegraph shore stations," in lines 10 and 11, page 20. Unless some limitation is imposed on the amount to be expended for that particular purpose, the total appropriation in that paragraph could be used for that purpose.

Mr. FOSS. There is no limitation in any of these items.

Mr. FITZGERALD. There ought to be some limitation on the ability or liberty of the department to expend money for sites for these shore stations. I make the point or order. They have gotten along without this heretofore, and they can get along without it hereafter.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Coal and transportation: Coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, water for all purposes on board naval vessels, including the expenses of transportation and storage of the same, $4,000,000.

Mr. FOSS. Mr. Chairman, I desire to pass over that paragraph until to-morrow.

The CHAIRMAN. Without objection, the paragraph will be passed over, as suggested by the gentleman from Illinois. The Clerk will read.

The Clerk read as follows:

Ocean and lake surveys: Hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen and recorders, and for the purchase of nautical books, charts and sailing directions, $125,000: *Provided*, That $50,000, or so much thereof as may be necessary, of this appropriation may be used, in the Hydrographic Office of the Navy Department at Washington, D. C., for the purchase of the necessary machinery, materials, supplies, and tools, and for the pay of the necessary additional draftsmen, photographers, lithographers, printers, negative cutters, pressmen and feeders, to enable the Hydrographic Office to produce metallic chart plates of the oceans and harbors of the world, and print charts therefrom, to replace such foreign charts as now have to be purchased abroad.

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the provision. This service is carried in the legislative bill. The Committee on Naval Affairs has no jurisdiction of it. It should be appropriated for by the Committee on Appropriations.

Mr. ROBERTS. I think the gentleman is mistaken about that.

Mr. FITZGERALD. No; I am not. The Hydrographic Office in Washington is provided for in the legislative bill, and this appropriation does not belong to the naval bill.

Mr. ROBERTS. In regard to these metallic plates——

Mr. FITZGERALD. The officer in charge of that work should apply at the proper place for the appropriation. He was before the Committee on Appropriations and he made no request for this appropriation. Apparently he desires to extend the appropriation already placed at his disposal by $50,000, authorizing an increase of clerical force, which is authorized in the legislative bill. If he needs the money and wants the money to be

expended in this way he can go to the Committee on Appropriations for authority. This service does not belong in this bill at all. It is a proposition to combine the departmental service in Washington with the field service. Those two branches of the service should be disconnected.

Mr. ROBERTS. I think if the gentleman will yield a moment I can explain the purpose here.

Mr. FITZGERALD. I know what the purpose is. It is to enable the office to make certain plates and print certain charts which are now purchased abroad at a cost of about $10,000 a year. If this service in Washington, which is a departmental service, is to be given additional help and additional funds for this purpose, it should be given by the committee that has charge of that work. I understand what this office is doing.

Mr. ROBERTS. The gentleman will not withdraw his point of order under any conditions?

Mr. FITZGERALD. No; I will not; because it is bad policy to mix up appropriations for the departmental service in two bills.

Mr. HUGHES of New Jersey. I think the attention of the committee ought to be called to the state of affairs disclosed by the hearings on this particular subject. It seems to me there are very few Members of the House who realize that we are purchasing from foreign governments the charts which our ships use abroad.

Mr. MANN. They purchase from us charts in the same way. There is no argument in that one way or the other.

Mr. HUGHES of New Jersey. Not according to the statement here.

Mr. MANN. It is ridiculous to say that we should have charts of the whole world. I make the point of order.

Mr. HUGHES of New Jersey. That is exactly what other nations are doing—making charts of the whole world. The British Admiralty is making charts of the whole world and selling those charts to us.

Mr. FITZGERALD. The gentleman is mistaken. What they wish to do is to purchase these plates and do the printing here, but the charts would not be made here.

Mr. MANN. Let us have a ruling on the point of order.

The CHAIRMAN. Is the point of order directed only to the proviso?

Mr. FITZGERALD. To the proviso.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. I move to amend by striking out "one hundred and twenty-five," in lines 19 and 20, and inserting "seventy-five."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 19 and 20 strike out "one hundred and twenty-five" and insert "seventy-five."

Mr. FITZGERALD. This reduces the appropriation to the amount that has been carried for the service and eliminates the amount which was intended to be given for this other purpose.

The amendment was agreed to.

The Clerk read as follows:

Distribution of duties: The duties assigned by law to the Bureau of Equipment shall be distributed among the other bureaus and offices of the Navy Department in such manner as the Secretary of the Navy shall consider expedient and proper during the fiscal year ending June 30, 1912, and the Secretary of the Navy, with the approval of the President, is hereby authorized and directed to assign and transfer to said other bureaus and offices, respectively, all available funds heretofore and hereby appropriated for the Bureau of Equipment and such civil employees of the bureau as are authorized by law, and when such distribution of duties, funds, and employees shall have been completed, the Bureau of Equipment shall be discontinued as hereinbefore provided: *Provided,* That nothing herein shall be so construed as to authorize the expenditure of any appropriation for purposes other than those specifically provided by the terms of the appropriations, or the submission of estimates for the Naval Establishment for the fiscal year 1913, except in accordance with the order and arrangement of the naval appropriation act for the year 1911: *Provided further,* That the Secretary of the Navy shall report to Congress at the beginning of its next ensuing session the distribution of the duties of the Bureau of Equipment made by him under the authorization herein granted, with full statement in relation to said distribution and the performance of navy-yard work therein involved.

Mr. FITZGERALD. I reserve a point of order against that paragraph, and ask the gentleman from Illinois if he will allow it to go over until to-morrow, with the point of order reserved on it.

Mr. FOSS. I would rather pass it to-night, I will say to the gentleman.

Mr. FITZGERALD. I will insist on the point of order if the gentleman does that. To-morrow I may withdraw it. I want to look into it.

Mr. FOSS. Then I will pass it.

Mr. ROBERTS. How much is passed?

Mr. MANN. Just the paragraph relating to the distribution of duties.

The CHAIRMAN. If there be no objection, the paragraph will be passed without prejudice.

Mr. FITZGERALD. With the point of order reserved on it.

The CHAIRMAN. With the point of order reserved.

The Clerk read as follows:

Contingent, Bureau of Yards and Docks: For contingent expenses that may arise at navy yards and stations, $30,000.

Mr. RAINEY. I move to amend by striking out, in line 19, page 23, the words "and driving teams."

Mr. FOSS. I make the point of order that that paragraph has been passed.

The CHAIRMAN. The paragraph has been passed, and the next paragraph has been read.

Mr. RAINEY. I was trying to get the attention of the Chair before the paragraph was completed.

The CHAIRMAN. If the gentleman was on his feet, trying to secure the attention of the Chair before the reading of the paragraph was completed, the Chair will recognize him now.

Mr. RAINEY. Yes; I was.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 23, line 19, strike out the words "and driving teams."

Mr. RAINEY. Mr. Chairman, I do not understand why these officials in charge of the work around the yards and docks should be entitled to driving teams. There is an appropriation here for the purchase and maintenance of such horses as may be needed in the ordinary work around the yards there, and I understand that a driving team is a team used for pleasure purposes and for visiting.

Mr. MANN. I hardly think that is correct in this case. Last year the item was:

Oxen, horses, and driving teams.

I do not know whether "mules" would be covered in the term "horses," but I am quite certain that the purpose of the provision is not to provide what we ordinarily call a fancy driving team.

Mr. RAINEY. I supposed it was for what we ordinarily call a driving team.

Mr. MANN. This is only for the purpose of having teams for the use of the yard.

Mr. RAINEY. They can have horses without having driving teams. The paragraph is ample to give them what horses they may need for ordinary work, but they can not carry loads around with driving teams.

Mr. MANN. I do not know whether "oxen" would be included in the term "horses" or not.

Mr. RAINEY. Oxen would not be included in the term "driving teams." I think it would not hurt the paragraph to have that go out.

Mr. HOBSON. Mr. Chairman, I am in close sympathy with the desire of the gentleman from Illinois [Mr. RAINEY] to curtail expenses, and also to prevent any extravagance in the navy yards; but I think this provision is really in the interest of efficiency of the various navy yards, and does not entail much expense, and that to strike out these words would cut into the working force. I am inclined to think also it would take away from the commandant the team that he has. The commandant has a team, as he ought to have. We provide a team for certain officers in Washington that have to do certain work. The navy yard is frequently a difficult place of access, and the distances are long, and it is entirely in keeping with the best execution of the duties of the office that the commandant should have this team.

Mr. RAINEY. Mr. Chairman, I will withdraw the amendment.

The Clerk read as follows:

Navy yard, Portsmouth, N. H.: Combined railway and highway bridge, with approach and appurtenances (cost not to exceed $125,000), $125,000; railroad rolling stock, additional, $4,000; in all $129,000.

Mr. SULLOWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 25, insert in line 3 "for continuing the extension of the quay wall, $200,000."

Mr. MANN. On that I reserve a point of order.

Mr. SULLOWAY. Mr. Chairman, I understand that this is a continuing work—that is, a work not completed. If it is determined that it is not a continuing work and the gentleman is going to make a point of order, I do not care to discuss it. This quay wall is partially completed. This yard has one of the largest docks under the flag. It is the home of at least

three battleships, several cruisers, and there is not room enough, as the officers of the yard recommend, to tie them up. For that reason I offer this amendment.

Mr. MANN. Does not the gentleman think that all they could spend next year would be $100,000?

Mr. SULLOWAY. Perhaps it would; and if the gentleman thinks $100,000 is sufficient for next year, I will reduce my amendment to that amount. Mr. Chairman, I will modify the amendment by making it $100,000.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Navy yard, Boston, Mass.: Dredging, $5,000; improvements to water front, $50,000; improvements to yard buildings, $10,000; paving, $10,000; electrical system, extension, $5,000; one officer's quarters, $12,000; improvement of central power plant, $20,000; enlargement of Dry Dock No. 2, $15,000; toward 150-ton floating crane (cost not to exceed $325,000), $150,000; in all, navy yard, Boston, $277,000.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that paragraph, particularly that part of the language reading "toward a 150-ton floating crane, $150,000."

Mr. ROBERTS. I would like to ask the gentleman from Indiana if an explanation of that item would induce him to withdraw the point of order. If he intends to insist, I do not wish to take up the time of the committee.

Mr. COX of Indiana. Was not this item inserted in the bill last year?

Mr. ROBERTS. No; we provided a floating crane for Pearl Harbor last year, but it was not as large as this. The reason we are making this crane of this size is on account of the increased size of battleships and the increased size of the turrets and guns.

Mr. COX of Indiana. Are they building any battleships there now?

Mr. ROBERTS. No; we are not building any battleship there now, but on account of the increased size of the battleship now authorized and building, the increased size of the turrets and guns, we need a floating crane and of a much larger size. They not only work about a ship as it lies in the slip at the navy yard, but in case of emergency if a vessel has been wounded and lies low in the water and can not get up to the yard they can go down into the harbor and relieve her of the weight so that she can get in. These floating cranes can be moved about, and they are much cheaper and more efficient than any of the permanent cranes on land.

Mr. CALDER. May I ask the gentleman if the department approves of this?

Mr. ROBERTS. The department has recommended the 100-ton crane, and we appropriated for a 100-ton crane at Pearl Harbor, but since then we have had information of the increased size of the battleship and the 14-inch guns and the increase in the size and weight of the turrets, and the committee deemed it the part of economy to increase the size of the cranes hereafter so that they would be able to handle anything aboard the ships. We have also increased the authorization for the crane at Pearl Harbor to 150 tons.

Mr. COX of Indiana. Do I understand you have increased the Pearl Harbor crane to 150 tons?

Mr. ROBERTS. Yes; as the gentleman will see by the bill. The crane had not been contracted for, and the committee thought it would be a foolish expenditure of money to put out $250,000 for 100-ton crane that could not possibly handle the guns and turrets it would be called upon to handle.

Mr. FITZGERALD. Has the Navy a 150-ton crane at any place in the United States?

Mr. ROBERTS. I will say to the gentleman that there is no floating crane of that kind in the world. The expense of the crane comes from the fact that it has to reach out horizontally half across the deck of a battleship and lift those enormous weights, and those ships are now 80 and 90 feet beam, and they will probably be 100 feet or more in beam.

Mr. FITZGERALD. If we are going to install a 150-ton crane, I think we will make a mistake if we put it at Boston.

Mr. ROBERTS. Not at all.

Mr. FITZGERALD. Why not put it in the best yard?

Mr. ROBERTS. I will say that we put in the Brooklyn yard two years ago one of the largest cranes that was ever authorized up to that time, and I, as a member of the committee, made inquiries to ascertain if we could change the size of that crane to a 150-ton crane, but was informed that the contract had been let and the work so far advanced that it could not be changed. Otherwise we would have changed the authorization for that.

Mr. FITZGERALD. Why don't you send your 110-ton crane to Boston and put this 150-ton crane in Brooklyn?

Mr. ROBERTS. I will say that that requires legislation, and the gentleman would possibly raise a point of order on it.

Mr. FITZGERALD. Well, this is legislation.

Mr. ROBERTS. Yes; this is legislation also, but it is needed in the service.

Mr. OLCOTT. Mr. Chairman, I would like to say to my colleague from New York that this is one of those matters which was thoroughly thrashed out in the Naval Committee, and I think the interest of the New York yard was protected in regard to the wishing of that crane to be in New York rather than in Massachusetts.

Mr. FITZGERALD. If this crane is needed in a yard any place, as shown by the demands of the service, I should not object, no matter where it is to be placed. I am very frank about that. I doubt not that after they get the crane at Boston it will be necessary in order to do the work that would naturally come to the yard from having the crane—I doubt whether it will not require very large expenditures to equip the yard in order to do the work upon the turrets after they were taken off the ship.

Mr. O'CONNELL. Oh, we have a finely equipped yard up there now.

Mr. ROBERTS. The gentleman is not familiar with the Boston yard.

Mr. FITZGERALD. I only know this, the Boston yard was practically closed not a great many years ago.

Mr. ROBERTS. About 20 years ago.

Mr. FITZGERALD. And until the very vicious practice was adopted of confining the selection of Secretaries of the Navy to the State of Massachusetts [laughter]——

Mr. ROBERTS. Which is a very high compliment to the State.

Mr. FITZGERALD. Well, we have had three in recent years, and the result of it was the opening of this abandoned yard and the spending of very large sums of money from year to year to equip it. It has been a very expensive luxury, considering all that has happened. Some other member of the Cabinet should be taken from Massachusetts and the Secretary of the Navy be taken from some other State. But I understand now that they have gotten to that point——

Mr. ROBERTS. I would remind the gentleman that a Secretary of the Navy from Massachusetts put the *Connecticut* into the Brooklyn yard instead of into his own yard.

Mr. FITZGERALD. Oh, he could not have put it in the Boston yard; it would not have fitted.

Mr. ROBERTS. Just as well as it did in the Brooklyn.

Mr. FITZGERALD. But let me complete my statement. I understand now that the result of this policy of selecting Secretaries of the Navy from Massachusetts is that they have expended so much money—not exactly improperly, but without any great necessity—that the yard can not be utilized as it should be unless it has this crane; and so, rather than have the money already expended go to waste, I shall not object to this crane. And I hope, if there be a new Secretary of the Navy——

Mr. ROBERTS. To come from Brooklyn.

Mr. FITZGERALD (continuing). That somebody will call the attention of the President to what has happened in the past, so that he may have a keen realization of the fact that the most expensive luxury had by the people of the United States during the last 10 years has been the Secretaries of the Navy from the State of Massachusetts.

Mr. ROBERTS. The gentleman is not fair to say that is the most expensive luxury. The gentleman has had more for the Brooklyn yard——

Mr. O'CONNELL. I want to say, under a Democratic administration, we will have plenty of Democrats from Massachusetts to succeed the present occupant.

Mr. FITZGERALD. That is a most unfortunate statement, I had hoped that we would bar Massachusetts when the Democratic administration came in from this particular department. There are eight other departments, I think, and they might spare the country from the patriotic services of the gentleman from the State of Massachusetts in this position.

Mr. ROBERTS. I want to say to the gentleman from New York that the Massachusetts yard has more berthing room for ships than that at the much-vaunted Brooklyn yard, and the present Massachusetts Secretary of the Navy has impressed upon the Naval Committee plans that call for several million dollars expenditure in order to give the Brooklyn yard such accommodations as are desired there.

Mr. FITZGERALD. I am not finding fault with that.

Mr. ROBERTS. But he is against the Secretary and his extravagant ways, as he says.

Mr. FITZGERALD. I am stating and trying to impress upon the Chair and the committee the situation as it exists, that this crane is to permit the facilities now existing to be utilized.

Mr. ROBERTS. The gentleman might admit it was a New York Secretary who sold a very valuable part of the Brooklyn yard.

Mr. HAY. I would like to ask somebody on the committee as to the rank of the officer for whom it is proposed to build a building for $12,000.

Mr. ROBERTS. Where does the gentleman find the item?

Mr. HAY. This is for quarters, $12,000.

Mr. ROBERTS. He might be of any rank from a lieutenant up to a captain.

Mr. HAY. Well, does the gentleman think that we ought to be building quarters to cost $12,000 for any officer?

Mr. ROBERTS. I will say to the gentleman, it has appeared to the Naval Committee to be a practical business proposition, whether, with land available inside, we should put up a building at a cost of $12,000, or whether we should give that officer commutation of quarters and make him live outside, and thereby reduce his availability and usefulness in the yard by reason of the fact that he is obliged to live a long distance away. It is a business proposition, and it seemed to the committee a proper thing to provide these quarters in the yard.

Mr. HAY. Mr. Chairman, I want to say I have had some experience about these quarters, and the War Department believes it will be very much cheaper to have commutation of quarters, particularly in large cities, rather than to have these expensive buildings, which cost a great deal to keep up, and I do not know why the same policy should not apply to the Navy as well as to the Army.

Mr. ROBERTS. I will say to the gentleman $12,000 does not erect a very palatial building.

Mr. HAY. I understand that.

Mr. ROBERTS. It is not a very large building.

Mr. HAY. But it provides a very substantial building.

Mr. COX of Indiana. What is the limit fixed in the Army bill?

Mr. HAY. I think $10,000.

Mr. FITZGERALD. It is $12,000 for a brigadier general.

Mr. COX of Indiana. What is it for a lieutenant or captain?

Mr. HAY. I think $6,000 for a lieutenant and captain; but a lieutenant or a captain of the Navy has a relatively higher rank than a lieutenant or captain of the Army. A captain of a ship commands a unit.

Mr. OLCOTT. Will the gentleman from Virginia [Mr. HAY] tell me what was the cost of the quarters up at West Point, where the officers rank all the way from lieutenant to colonel? Did they not cost $10,000 apiece?

Mr. HAY. I think not; no. They are building very extensive quarters there, and I may say to the gentleman that in the present bill the Committee on Military Affairs struck out two sets of officers' quarters which they desired to have, at $10,000 apiece.

Mr. OLCOTT. I did not mean the ones they are now building. I mean the ones that were constructed two or three years ago. Did they not cost $10,000 or more?

Mr. HAY. I think $8,000 was the cost.

Mr. ROBERTS. If the gentleman from Virginia [Mr. HAY] will pardon me a moment, I will read to him what Admiral Hollyday says about these quarters. He says:

Admiral HOLLYDAY. The yard authorities recommended that four additional quarters be provided. There are not enough to house the officers attached to the yard. Those officers living outside of the yard receive commutation for quarters, and it amounts to considerably more than the interest on the sum which it would take to build quarters and keep them in repair. It would, therefore, be economical from this standpoint to provide quarters. In addition to this, the efficiency of the officers is very greatly increased, for the reason that they do not have to spend a considerable portion of their time going back and forth from their residences to the yard; and there is the additional advantage of their being always on hand when needed, which is not the case when they live at points more or less distant from the yard. The department has reduced the number of quarters recommended by the yard authorities from four to one.

Mr. CARY. Will the gentleman from Virginia [Mr. HAY] permit a question?

Mr. HAY. Certainly.

Mr. CARY. If it was possible to build a battleship at Annapolis, do you suppose 45 per cent of the expense of that yard would be charged against the battleship?

Mr. HAY. I do not know as I understand the gentleman's question.

Mr. CARY. Then I might ask the gentleman from Massachusetts [Mr. ROBERTS]. If a battleship was built in the Boston Navy Yard, do you think it would be right to charge 45 per cent of the maintenance of that yard against the building of that battleship?

Mr. ROBERTS. In answer to that question I will say, if the work on that ship represented 45 per cent of the power utilized in that yard, 45 per cent of the machinery employed, 45 per cent of the depreciation of that machinery, it certainly ought to be charged.

Mr. CARY. Is the officers' quarters charged up?

Mr. ROBERTS. I do not think the cost of officers' quarters or the cost of any buildings in the yard is charged against the maintenance of the yard or cost of ships.

Mr. HUGHES of New Jersey. I think the gentleman is mistaken.

Mr. ROBERTS. The cost of the building, the cost of the plant itself?

Mr. HUGHES of New Jersey. Building of walls, repairs——

Mr. ROBERTS. The repairs, yes; but not the original cost of the building nor the original cost of the machinery. But the depreciation of the buildings and upkeep of the buildings and machinery are properly charged.

Mr. HAY. Mr. Chairman, I withdraw the point of order.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that part of the paragraph. I have not been convinced yet at all that there is any necessity for this.

Mr. PADGETT rose.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. PADGETT] desire to discuss the point of order?

Mr. PADGETT. I would like the indulgence of the gentleman a moment. I have looked very carefully into this matter, and it is certainly needed. To build a crane that we all know would be wholly inadequate and insufficient is a waste of money.

Mr. COX of Indiana. I will say to the gentleman that I have not been convinced yet that there is use for it.

Mr. PADGETT. I will ask the gentleman not to make a point of order against it and cause the construction of a crane of insufficient capacity.

Mr. HUGHES of New Jersey. Did I understand the gentleman from Indiana to make a point of order against the crane or against the building?

Mr. COX of Indiana. The crane.

Mr. SIMS. Is this crane wanted to meet only imaginary needs or troubles?

Mr. COX of Indiana. Mr. Chairman, I make the point of order against the crane proposition.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read:

The Clerk read as follows:

Navy yard, New York, N. Y.: Dry Dock No. 4, to complete, $550,000; improvement of water front, to continue, $100,000; bollards and capstans for Dry Dock No. 4, $42,500; crane track and extension of railroad track around Dry Dock No. 4, $43,000; supply pipes around Dry Dock No. 4, $15,000; paving around Dry Dock No. 4, $24,000; condenser system, $45,000; distributing systems, extensions, $50,000; railroad equipment, extensions, $5,000; yard dispensary, extension, $4,500; in all, navy yard, New York, N. Y., $879,000.

Mr. SIMS. Mr. Chairman, I move to strike out the last word. I just want to submit an observation and to ask a question. We have heard here what amounts to a criticism of the Secretary of the Navy for making expenditures in the State of Massachusetts, because he happens to live in that State. I am confident the criticism was not made seriously.

Mr. FITZGERALD. I was not making a criticism. I was merely stating facts.

Mr. SIMS. The idea is that inasmuch as the Secretary of the Navy has for a number of years lived in that State useless improvements have been made in the harbor of Boston. Now, if that is true, would it not be wise hereafter to take the Secretary of the Navy from one of the arid States of the far West, so as to remove from him the possible criticism of spending money in his own State?

I understood the gentleman from Massachusetts [Mr. ROBERTS] to say the Secretary of the Navy had authorized much more work to be done in the Brooklyn Navy Yard than in the Boston Navy Yard.

Now, in view of that statement, I deprecate the utterance of loose assertions that are to be spread broadcast over the country to the effect that the Secretary of the Navy is influenced by local considerations in the exercise of his official functions. I do not happen to have a personal acquaintance with the Secretary of the Navy, but I am confident he does not claim the Boston Navy Yard or any other navy yard as his own.

Mr. FITZGERALD. No; I think the gentleman from Massachusetts [Mr. ROBERTS] rather claims a monopoly of the proprietorship of that navy yard for himself. [Laughter.]

Mr. O'CONNELL. I trust that the gentleman will not allow his statement to go out that there are even useless improvements in the Boston Navy Yard.

Mr. SIMS. No. I said that is what the gentleman from New York [Mr. FITZGERALD] said.

Mr. FITZGERALD. I said some were not necessary.

Mr. SIMS. If they are not necessary, then they are useless. Is it not also a matter susceptible of criticism that gentlemen should be selected for membership in this House—membership on the Committee on Naval Affairs—from navy-yard districts, who call them "their" navy yards?

Mr. FITZGERALD. I suggest that the gentleman from Tennessee offer an amendment providing that no money appropriated by this bill shall be used to pay the compensation of a Secretary of the Navy if that official comes from the State of Massachusetts. [Laughter.]

Mr. SIMS. My understanding is that the theory that has heretofore been followed in practice is to select as heads of departments men who were not recognized as experts. That is the reason why we do not select a general as Secretary of War or an admiral of long service for Secretary of the Navy. I have an idea that experts in any particular line entertain the notion that nobody outside of their line has any knowledge on the subject upon which they themselves are specialists. I have an idea, though, that the average man, when placed in charge of a department, secures the best results and gives an administration much more successful than would be given by a specialist or expert.

Mr. ROBERTS. I am very much surprised that anybody on the floor should have taken the good-humored badinage that passed between the gentleman from New York [Mr. FITZGERALD] and myself as serious. Had I thought that such an impression would have been made by it I would never have indulged in it.

For my part, after 10 years' service on the Naval Committee, I have yet to see any Secretary of the Navy, whether he comes from New York or from any other State, make a recommendation for improvement in any yard that was not a necessary improvement for that yard.

Mr. SIMS. You mean as he viewed it?

Mr. ROBERTS. Yes; as he viewed it.

Mr. SIMS. And, being a civilian, you think his judgment is better to follow than the judgment of some naval expert who lives and breathes and has his whole being in expert knowledge?

Mr. ROBERTS. Of course the Secretary of the Navy, being a civilian, must form his judgment upon the opinion of his expert aids, but at the same time he must temper their advice with his own common-sense civilian ideas.

Mr. SIMS. Yes.

Mr. O'CONNELL. I may say that while the Secretaries of the Navy have always been fair to Boston, they have also been fair to every other navy yard of the country.

Mr. SIMS. I think the Secretary of the Navy ought to come from one of the arid States of the West, and I also think that the gentleman in charge of the irrigation work in the far West should come from Massachusetts or somewhere else on the Atlantic coast. [Laughter.]

Mr. CARY. Mr. Chairman, I desire recognition.

The CHAIRMAN. The gentleman from Wisconsin will be recognized in opposition to the amendment.

Mr. CARY. I should like to ask the chairman of the committee about this $879,000. Will that be the total amount to run the Brooklyn Navy Yard for the next year?

Mr. FOSS. This is not for the maintenance of the yard; this is simply for public works in the yard.

Mr. CARY. Then, if this amount of money is spent for public works—sewers, dockage, and so on—in that navy yard, and if a battleship is built in that navy yard, would 45 per cent of this money be charged up against that battleship?

Mr. FOSS. No; I do not consider that it would be.

Mr. CARY. I merely asked the question, because I want to be sure, and later on I want to speak about it.

Mr. HUGHES of New Jersey. Is that the gentleman's understanding?

Mr. FOSS. Yes; that only repairs up to $100, I understand, are included in any item in the indirect charge.

Mr. HUGHES of New Jersey. And no amount of this sum would be charged against any battleship that was built there.

Mr. FOSS. I will assure the gentleman of that.

The Clerk read as follows:

Navy yard, Philadelphia, Pa.: Rebuilding Pier No. 5, $75,000; pump motors for Dry Dock No. 1, $20,000; reserve basin, extension, $50,000; motor for 100-ton shears, $2,000; railroad track and equipment, $5,000; sanitation system, reserve basin (to cost not to exceed $75,000), $30,000; in all, navy yard, Philadelphia, $182,000.

Mr. FOSS. I desire to offer an amendment in lines 8, 9, and 10, to strike out the words—

Pump motors for Dry Dock No. 1, $20,000.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, beginning in line 8, strike out the words "pump motors for Dry Dock No. 1, $20,000."

The amendment was agreed to.

Mr. FOSS. In lines 10 and 11 I move to strike out the words "motor for 100-ton shears."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in lines 10 and 11, "motor for 100-ton shears."

The amendment was agreed to.

The Clerk read as follows:

Navy yard, Washington, D. C.: Dredging, to continue, $5,000; new foundry and equipment (cost not to exceed $200,000), $100,000; railroad tracks, extension, $2,000; paving, to continue, $2,500; in all, $109,500.

Mr. FOSS. Mr. Chairman, I move to strike out the words "and equipment" in line 18.

The Clerk read as follows:

Page 26, line 18, strike out "and equipment."

Mr. HUGHES of New Jersey. I should like an explanation of that amendment.

Mr. FOSS. This is for the new foundry at the Washington Navy Yard.

Mr. HUGHES of New Jersey. Why does the gentleman desire to strike out the equipment?

Mr. FOSS. Because the equipment should not be included in this amount.

Mr. ROBERTS. It will not provide for it.

The amendment was agreed to.

Mr. FOSS. Mr. Chairman, I offer an amendment to follow this paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 22, page 26:

"That it shall be the duty of the Attorney General of the United States, at the request of the Secretary of the Navy, to institute, as soon as may be, a suit or suits in the supreme court of the District of Columbia against all persons and corporations, or others, who may have, or pretend to have, any right, title, claim, or interest in and to any part or parcel of the land or water in the District of Columbia within the limits of the city of Washington, or exterior to said limits, composing any part of the Anacostia River, or Eastern Branch, their shores and submerged or partly submerged lands, as well as the bed of said river or branch and the uplands adjacent thereto, including flats and marsh lands, or who may have, or pretend to have, any right, title, claim, or interest in and to any part or parcel of the land needed by the United States for the construction, maintenance, and operation of a sufficient and satisfactory track connection for a railroad to the navy yard in the city of Washington, provided for in the act of Congress approved June 24, 1910, 36 Statutes at Large, chapter 378, for the purpose of establishing and making clear the right of the United States thereto.

"That the suit or suits mentioned in the preceding paragraph shall be in the nature of a bill in equity, and there shall be made parties defendant thereto all persons and corporations, or others, known to set up or assert any claim or right to or in the land or water in the preceding paragraph mentioned, and against all other persons or corporations, or others, who may claim to have any such right, title, or interest. On the filing of said bill process shall issue and be served, according to the ordinary course of said court, upon all persons and corporations, or others, within the jurisdiction of said court; and public notice shall be given, by advertisement in two newspapers published in the city of Washington, for three weeks successively, of the pendency of said suit, and citing all persons and corporations, or others, interested in the subject matter of said suit or in the land or water in this act mentioned, to appear, at a day named in such notice, in said court to answer the said bill and set forth and maintain any right, title, interest, or claim that any person or corporations, or others, may have in the premises; and the court may order such further notice as it shall think fit to any party in interest.

"That the said cause shall then proceed with all practicable expedition to a final determination by said court of all rights drawn in question therein, and the said court shall have full power and jurisdiction by its decree to determine every question of right, title, interest, or claim arising in the premises, and to vacate, annul, set aside, or confirm any claim of any character arising or set forth in the premises; and its decree shall be final and conclusive upon all persons and corporations, or others, parties to the suit, or who shall fail, after public notice as hereinbefore in this act provided, to appear in said court and litigate his, her, their, or its claim, and they shall be deemed forever barred from setting up or maintaining any right, title, interest, or claim in the premises.

"That from the final decree of the supreme court of the District of Columbia, and every part thereof, in the premises, an appeal shall be allowed to the United States, and to any other party in the cause complaining of such decree, to the Supreme Court of the United States, which last-mentioned court shall have full power and jurisdiction to hear, try, and determine the said matter, and every part thereof, and to make final decree in the premises; and the said cause shall, on motion of the Attorney General of the United States, be advanced to the earliest practicable hearing."

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that.

Mr. PADGETT. I want to call attention to the fact that we had here for years a controversy with reference to the removal of the tracks from the street going into the navy yard, and last year we got up a proposition to settle it and it was provided in the last appropriation bill to settle it by the Government paying a part of the expense and the railroad company paying a part. The part to be paid by the Government was limited. Now, it is necessary to have condemnation proceedings in order for the Government to carry out its part of the contract.

Mr. COX of Indiana. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. COX of Indiana. I recollect a great deal about that discussion, and, so far as I am concerned, if the gentleman offering the amendment will agree that the amendment may be printed in the RECORD and go over until to-morrow, until we have a chance to look into it, I will consent; otherwise I shall make the point of order.

Mr. FOSS. I will consent to its going over.

Mr. FOSTER of Illinois. Last year we gave the Attorney General authority——

Mr. TALBOTT. Yes; but the committee has investigated this thoroughly.

Mr. FOSS. Mr. Chairman, I ask that this matter may be passed over with the point of order pending, and I desire to insert in the RECORD a letter from the Secretary of the Navy.

The CHAIRMAN. The amendment will be passed over without prejudice, with the point of order being reserved.

Mr. SIMS. I want to reserve a point of order also, for I do not want it to be withdrawn without my consent.

Mr. COX of Indiana. I want to say that there has got to be some strong argument in favor of the amendment before I withdraw my point of order.

Mr. SIMS. I am pretty familiar with this, and I want to know something about this further delay.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to publish with the amendment a letter regarding it in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF THE NAVY,
Washington, February 9, 1911.

MY DEAR CONGRESSMAN: In connection with the provision in the naval appropriation act of June 24, 1910, authorizing the Secretary of the Navy to provide a right of way for a branch track from the main track of the Philadelphia, Baltimore & Washington Railroad Co. to the navy yard, along the north bank of the Anacostia River, and to enter into contract with said company for the construction, operation, and maintenance of the branch track, I have the honor to advise the committee that while most of the land required for said purpose is claimed by the Government its title thereto is disputed by various persons, and its ownership can not be effectively asserted. Consequently the department has not been able to provide the requisite right of way for the branch track, and the railroad company will not enter into the authorized contract until such right of way is assured.

The Department of Justice finds no provision of law under which the necessary legal proceedings can now be taken to clear the Government's title to the lands in question, and if action of some kind can not be brought against the adverse claimants the construction of the branch track will be delayed indefinitely and the Government's interests correspondingly disadvantaged.

It is requested, therefore, that a provision be inserted in the naval appropriation bill authorizing proceedings to be taken for determining all questions of title affecting the lands desired for the purpose mentioned, so that compensation may not be unjustly demanded by any of the parties asserting claim to title in the lands.

There is inclosed herewith a provision drafted in the Department of Justice that would give the Attorney General the necessary authority in the premises, and it is earnestly requested that the same be incorporated in the pending naval appropriation bill.

Faithfully, yours, G. v. L. MEYER.

Hon. GEORGE EDMUND FOSS, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives.

The Clerk read as follows:

Naval station, Pearl Harbor, Hawaii: Dredging channel, to complete, $545,000; dry dock, to continue, $800,000; administration building, $50,000; power plant, $250,000; 6 officers' quarters, $69,000; fresh-water system, $23,000——

Mr. HOBSON. Mr. Chairman, I move to strike out the last words for the purpose of bringing to the attention of the committee at this juncture the importance of Guam in the future development of our naval power in the Pacific Ocean. Hawaii is in mid-ocean and is within a radius of control of a fleet with practically all of the Pacific Ocean to the north and east, Dutch Harbor and Great Kiska in the Aleutian Islands, Puget Sound and San Francisco on the east, and Samoa on the south, but it is too far to reach the Philippine Islands. In order to have the effect of the control of the sea fully felt for the defense of the Philippine Islands and of our interests in the western Pacific, we will have to develop another base from which operations can be conducted. In all probability next year we will have to develop a station at Guam.

Mr. KOPP. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. KOPP. I notice in here that there is $1,000 for a coal shed. Where is the coal secured that is to be put in this shed?

Mr. HOBSON. Answering offhand, I would say to the gentleman that it is the regular navy-yard coal distributed to the various stations in the Pacific. My impression is that it is shipped from Norfolk.

Mr. KOPP. Is coal shipped all the way from Norfolk to the Pacific to be used in a fleet at Guam Island?

Mr. HOBSON. If that was developed into a station at the present time, that would be the policy.

Mr. ROBERTS. I think this coal shed is not for the coal for ships, but coal that is used in the little repairing plant that they have there.

Mr. HOBSON. That question might be brought up in regard to any coaling station in the Pacific Ocean.

Mr. HAMLIN. Will the gentleman tell us about what the difference is from the Philippine Islands to Guam and Pearl Harbor?

Mr. HOBSON. Guam is a little nearer Manila. I can not say exactly, but from memory I should say it was 2,200 miles from Pearl Harbor and 1,600 or 1,700 miles from Manila. It makes the proper apex of the triangle under which we can control the Pacific Ocean.

Mr. O'CONNELL. Will the gentleman tell us how large a place Guam is?

Mr. HOBSON. Guam is a very small island, and that is the beauty of it. There is but one harbor in which a landing can be made, and that harbor can be easily defended from the surrounding heights by artillery, and a very small garrison can hold it. It can be made almost impregnable with a remarkably small expenditure, and with facilities for coaling and limited facilities for repair a small garrison could maintain it for years against attack after being cut off from support and communication. Corregidor is something of the same kind. Those are all we can expect to hold out there when we have not the control of the sea. This is becoming a very important location.

Mr. O'CONNELL. Is there much native population there?

Mr. HOBSON. A small population.

Mr. O'CONNELL. Not enough to interfere with any garrison?

Mr. HOBSON. No.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Whenever in his opinion the exigencies of the naval service may require it, the Secretary of the Navy is hereby empowered and authorized to transfer from time to time any floating dry docks under the control of the Navy Department to such places as the needs of the service may demand.

Mr. FINLEY. Mr. Chairman, I reserve the point of order on that.

Mr. ESTOPINAL. Mr. Chairman, I make the point of order on the paragraph on page 33, line 17, and ending at line 21.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized and directed to abandon and dispose of the naval reservations at San Juan and Culebra, P. R.; Port Royal, S. C.; New London, Conn.; and Sacketts Harbor, N. Y., and to transfer such property, machinery, and other material as may be of use in the naval establishment to other navy yards and stations; and he is further authorized and directed to dispose of the real estate in the manner most advantageous to the United States Government, and shall report to Congress the disposition of said material and real estate at its next regular session.

Mr. LEGARE. Mr. Chairman, I reserve the point of order on the entire paragraph, with this statement, that I have no desire to strike out the whole paragraph, and if the gentleman from Illinois will consent to an amendment to strike out Port Royal, S. C., I will be satisfied to drop it.

Mr. HIGGINS. I desire to make the point of order, on page 34, line 1, to the words "New London, Conn."

Mr. Chairman, I make the point of order striking out the words "New London, Conn.," where they appear on page 34, line 1, of this bill, because I believe that this provision was inserted under a misconception of the situation.

I am in entire accord with the policy of economy that is being sought, both in the Naval Department and in the other departments of this Government. The New London Naval Station was established in a general naval appropriation bill approved March 2, 1867, United States Statutes at Large, volume 4, page 489, by the following language:

And the Secretary of the Navy is hereby authorized and directed to receive and accept a deed of gift when offered by the State of Con-

necticut of a tract of land situated in the Thames River, near New London, Conn., with a water front of not less than 1 mile, to be held by the United States for naval purposes.

The city of New London, by special authority from the State of Connecticut and acting with the State of Connecticut, did subsequently acquire, pay for, and deed to the United States a tract of land located on the east bank of the Thames River, about 2 miles from New London Harbor, with a water front of not less than 1 mile, for naval purposes.

Buildings suitable for naval construction were erected on this land soon after it was acquired, and at a later time a coaling station was established, and has been and is now used by the Government. Within two years $10,000 was appropriated and used for the establishment of a marine training school at this place, in addition to the coaling station. This school is now maintained there.

In the hearings before the Naval Committee on this bill the chairman of that committee, in interrogating the Secretary of the Navy on this proposition, said, "I understand that when we get through using the New London coaling station for naval purposes it reverts to the original owner." To which the Secretary replied, "We are looking that up; I believe it reverts to the State." And the chairman agreed with him, in the language, "I think that is so." The Secretary of the Navy, in closing the hearing, with reference to this matter and the above with what follows, including all that appears in the committee hearings on the subject, said, "Possibly; yet it is only an expense to keep it. It will be cheaper for them to take it. No vessel of any size can go in there."

It is particularly to this last observation of the Secretary of the Navy that I want to take exception. This station is located within a short distance of one of the best harbors on the Alantic coast. The *Dakota* and *Minnesota*, two of the largest steamships of the world at the time of their construction, which was only a short time ago, were built and launched within about 2 miles of this coaling station. The harbor of New London is large enough and has a depth of water sufficient to float our entire fleet, and it appears from the Coast and Geodetic Survey that from the harbor of New London to this station, and at the station, there is a sufficient depth to take any ship of our Navy.

The Navy Department seems to recognize the value of New London as a naval base; for not only this summer, but for many summers previously, New London has been the place of rendezvous for the Atlantic Squadron in their practice cruise, and for three months of the summer for a greater or less time a considerable part of our Navy in eastern waters use this harbor. There is no coaling station nearer than Newport.

I can only say, in answer to the proposition that no vessel of any size can go in there, that I have repeatedly seen torpedo boats and cruisers tied to the docks at the New London coaling station; and one of our most experienced and careful navigators, who has earned a world-wide reputation in the American Navy, has said that he could take the *Connecticut* to that station, coal her, and turn her about with perfect ease and safety. I submit that an examination of the survey of the Thames River demonstrates that fact. The War Department, by legislation in this Congress, have been authorized to turn over to the Treasury Department Fort Trumbull for a school for the Revenue-Cutter Service, and this school is now established within a few miles of this station. It is true that between this station and the harbor of New London is a drawbridge, erected and maintained by the New York, New Haven & Hartford Railroad Co. At the time of its construction this bridge had the largest draw of any bridge in this country. The New York, New Haven & Hartford Railroad have been considering for some time placing a new bridge at this point. Whether it will be of the same type as the present bridge I am not informed, but it is not at all improbable that a type of bridge may be constructed which will remove all possible doubt of the ability of any sized vessel utilizing this station for all and every purpose.

Mr. Chairman, this property is exceedingly valuable. It has been maintained at a very small annual charge upon the Treasury. It has not only a water front of a mile, but is divided by the tracks of the New York, New Haven & Hartford Railroad. It is delightfully situated on one of the most beautiful rivers of this country, is near a growing and prosperous city, and so located that it might well furnish many uses for the Navy if not desired by the department for its present purposes. I insist that it ought not at this time to be abandoned, and therefore make the point of order.

Mr. LEGARE. I will include that in my amendment, if that suits the gentleman from Connecticut.

Mr. HIGGINS. It is already included in the point of order the gentleman makes.

Mr. LEGARE. I will make the point of order against the paragraph. It is clearly new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The Secretary of the Navy shall sell the naval hospital buildings and grounds situated on Pennsylvania Avenue, near Ninth Street SE., Washington, D. C., at public auction or private sale, upon such terms and conditions as shall be satisfactory to him, and the money derived from such sale shall be placed to the credit of the naval hospital fund.

Mr. HUGHES of New Jersey. Mr. Chairman, I make the point of order against that, for the reason that I do not think the department should part with this property.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Total public works, navy yards, naval stations, naval proving grounds and magazines, Naval Academy, Naval Observatory, and Marine Corps, $6,574,977.

Mr. FOSS. Mr. Chairman, I ask permission to have the Clerk change the totals in some of these paragraphs where we have made changes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to be authorized to change the totals. Is there objection? There is no objection, and it is so ordered.

The Clerk read as follows:

In all, Bureau of Medicine and Surgery, $442,000.

Mr. KOPP. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I notice this reads:

Those who die or are killed in action, ashore or afloat.

Would a person who was killed not in action count as one dying, or how would he be classified? Supposing a man were killed accidentally, would the word "die" cover that?

Mr. FOSS. Yes. It is "who die or are killed in action."

Mr. PADGETT. It would be an accidental death.

Mr. KOPP. Supposing a man is killed accidentally.

Mr. FOSS. Yes.

Mr. KOPP. He dies just the same. Why do you put in the words "or killed in action?" Why not say "employees who die?"

Mr. FOSS. This provision has been in the bill ever since the Spanish-American War. They make a distinction between persons who die and those who are killed in the service, and to carry both we carry that language.

Mr. KOPP. "Die" carries everyone who loses his life, but not in action.

Mr. PADGETT. In action they are regarded as not dying, but being killed.

Mr. KOPP. I withdraw the point of order.

The Clerk read as follows:

Of female nurses, and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison.

Mr. FOSS. Mr. Chairman, page 38, line 21, instead of the dash between the words "stores" and "safe" there should be a comma. I would ask that that correction be made.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WEEKS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10574. An act to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906;

S. 10759. An act relative to the exchange of certain properties between the insular government of Porto Rico and the War Department;

S. 10761. An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes;

S. 10185. An act to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes;

S. 7640. An act for the relief of James M. Sweat;

S. 9698. An act granting permission to the city of Miles City, Mont., to operate a pumping station on the Fort Keogh Military Reservation, Mont.;

S. 10818. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; and

S. J. Res. 145. Joint resolution providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ALEXANDER STEPHENS CLAY, late a Senator from the State of Georgia.

Resolved, That as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy of thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of Mr. CLAY and Mr. DOLLIVER the Senate do now adjourn.

Also—

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JONATHAN PRENTISS DOLLIVER, late a Senator from the State of Iowa.

Resolved, That as a mark of respect to the memory of the deceased Senator the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect to the memory of Mr. CLAY and Mr. DOLLIVER, the Senate do now adjourn.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 10185. An act to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

S. 10761. An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes; to the Committee on the Public Lands.

S. 10759. An act relative to the exchange of certain properties between the insular government of Porto Rico and the War Department; to the Committee on Military Affairs.

S. 10817. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 9698. An act granting permission to the city of Miles City, Mont., to operate a pumping station on the Fort Keogh Military Reservation, Mont.; to the Committee on Military Affairs.

S. 7640. An act for the relief of James M. Sweat; to the Committee on Military Affairs.

S. 10818. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 145. Joint resolution providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress; to the Committee on the Library.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified force under the bureau, $8,479,144: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home. And the Secretary of the Navy is hereby authorized to make expenditures from appropriate funds under the various bureaus for repairs and changes on the vessels herein named, in an amount not to exceed the sum specified for each vessel, respectively, as follows: Georgia, $500,000; Virginia, $500,000; Arethusa, $120,000; Iroquois, $25,000; Nero, $45,000; in all, $1,190,000, as per the letter of the Acting Secretary of the Navy contained in House Document No. 1221, Sixty-first Congress, third session, concerning repairs to certain naval vessels: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of superintending naval constructors, for the fiscal year ending June 30, 1912, shall not exceed $808,039.

Mr. FINLEY. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. JONES. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I made that motion in order to ask unanimous consent to extend my remarks in the RECORD made to-day on the question of adopting the special rule.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection.

Mr. HIGGINS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FINLEY. Mr. Chairman, I would like to have the chairman explain what would be the practical operation of this paragraph when carried out with reference to not repairing vessels, and why the necessity for limitations here, or what are proposed to be limitations. I do not think they are altogether limitations.

Mr. FOSS. Well, we have always carried limitations for a number of years.

Mr. FINLEY. Of this character?

Mr. FOSS. Of this character; and this last limitation was put in by the House some years ago—not so very many years ago—after a very exhaustive debate on the subject.

Mr. FINLEY. Do I understand in this same language?

Mr. FOSS. Yes; it has been carried for several years and I think tends toward economy in the repair of ships.

Mr. FINLEY. Mr. Chairman, I withdraw the point of order.

Mr. HAMLIN. Mr. Chairman, I reserve the point of order and I desire to ask the gentleman a question. I would like to know for my own information, and perhaps it will be some information for other members of the committee, what is done with these old vessels when the Government can not use them any longer.

Mr. FOSS. They are condemned and sold.

Mr. PADGETT. Condemned by a board.

Mr. HAMLIN. Condemned by a board and sold.

Mr. ROBERTS. And some are used for targets.

Mr. HAMLIN. How sold?

Mr. FOSS. To the highest bidder. Mr. Chairman, I desire to offer an amendment. In line 16, page 41, after the word "dollars," I desire to insert——

The CHAIRMAN. Does the gentleman from Missouri withdraw the point of order?

Mr. HAMLIN. I withdraw the point of order.

Mr. FOSS. In line 16, after the word "dollars," I desire to insert "Nanshan, $55,000," so it will read, "Nero, $45,000; Nanshan, $55,000," and change the total to "$1,245,000."

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 16, page 41, insert "Nanshan, $55,000."

Mr. FOSS. And I desire to print this letter in the RECORD.

The letter is as follows:

NAVY DEPARTMENT,
Washington, February 14, 1911.

MY DEAR CONGRESSMAN: In connection with the provision appearing on page 41, and commencing on line 8 of the naval bill, as reported to the House, authorizing repairs on certain naval vessels in excess of $200,000, or in excess of 20 per cent of the estimated cost of new vessels of the same size and like material, in pursuance of the provisions of the act approved March 2, 1907, under the caption "Bureau of Construction and Repair," subhead "Construction and Repair of Vessels," and of the act approved June 24, 1910, under the same caption and heading, I have the honor respectfully to request that the said pro-

vision appearing in the pending bill may be amended by also authorizing repairs to be made to the U. S. S. *Nanshan* in an amount not to exceed $55,000, it having been estimated by the several bureaus having cognizance of the repairs to be made that expenditures in the amount stated will in all probability be entailed to place the *Nanshan* in seagoing condition.

I believe you understand that the authorization above sought will not involve additional appropriations over and above those now appearing in the bill.

Very sincerely, BEEKMAN WINTHROP,
Acting Secretary of the Navy.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives, Washington.

The question was taken, and the amendment was agreed to.

Mr. RAINEY. Mr. Chairman, I move to amend on page 41 by striking out lines 13 and 14, and the words "thousand dollars" in line 15.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 41, strike out lines 13 and 14, and the words "thousand dollars" in line 15.

The CHAIRMAN. The Clerk will report the language stricken out.

The Clerk read as follows:

Georgia, $500,000; Virginia, $500,000; Arethusa, $120,000.

Mr. RAINEY. Mr. Chairman, these are the three ships that made the celebrated voyage around the world, starting out on the 20th day of December, 1907. These ships went around the world on a leisurely sort of trip. It was not a trip in 90 days; it took them 14 months to make it. They came back here crippled. Just exactly half of them, according to this bill and the last bill, which passed the House last year, were absolutely disabled. Last year we authorized repairs to the *New Jersey* to the amount of $810,000; to the *Rhode Island*, to the amount of $810,000; to the *Ohio*, to the amount of $125,496; to the *Illinois*, $592,291; to the *Kearsarge*, $602,812.46; to the *Kentucky*, $598,718; and to one of the four auxiliary ships that made the entire trip around the world, the *Ajax*, we last year authorized repairs to the amount of $66,476.

This bill now provides for repairs to the *Georgia* to the amount of $500,000; to the *Virginia*, to the amount of $500,000; and to another one of the four auxiliary vessels that made the entire trip around the world, the *Arethusa*, $125,000.

In other words, the bill of last year and this bill authorize repairs to exactly eight of the 16 battleships that made the trip around the world, just half of them, and to two of the auxiliary vessels that made the entire trip, just half of them, amounting in all to $4,730,823.46.

Not long ago the *Mauretania* made a trip across the Atlantic and back in about 10 days' time, perhaps a little longer than that, but a record-breaking trip both ways, with most tremendous strains on the machinery, and yet she made that trip without stopping a day even for the purpose of oiling the machinery. These battleships of ours, with the steel and the armor plate and the castings for the machinery, all furnished by the steel companies of this country, could not sail around the world in 14 months without becoming absolutely disabled. It cost $13,700,000 to send that fleet around the world by Executive order. Recently the ex-President of the United States who authorized the trip admitted that he did not have any authority to send them around the world, but he had enough money, he said, to send them to the Pacific Ocean, and if Congress wanted to get them back home again, Congress could appropriate the money with which to bring them back.

Now, I understand that there has been a sort of a veiled threat from the present Executive some time in the future to outdo that feat and to send more battleships around the world on an absolutely useless voyage than were sent by a former President of the United States. If these battleships can not go round the world without incurring an expense of $5,000,000 for repairs, it does not pay to repair them any longer. We have at the present time in our Navy 349 vessels. Eighty of them are laid up for repairs and are out of commission at our wharves. Many of them will never sail out into the seas again. Some of them have lost even their names.

Mr. COX of Indiana. What is the age of these vessels, the *Arethusa*, the *Georgia*, and the *Virginia*?

Mr. PADGETT. The records of the Navy Department show that the *Georgia* was commissioned September 24, 1906, and has been in continuous service with the Atlantic Fleet since that date. Before the end of the fiscal year 1912 she will have been in commission about six years and will probably require a general overhauling.

The *Virginia* was commissioned May 7, 1906, and has been in continuous service with the Atlantic Fleet since that date. Before the end of the fiscal year 1912 she will have been in commission about six years and will probably require a general overhauling.

Mr. RAINEY. They are all new vessels.

Mr. PADGETT. No. The *Arethusa* was formerly the British tank steamer *Lucilene*, built in 1893. She was purchased by the Government during the Spanish-American War, and has been in continuous service, except for moderate periods, since that time. She is the only tank vessel on the Navy list.

Mr. RAINEY. It is a singular comment on our Navy that these particular battleships which made this long voyage should come back in this crippled condition, and in order to keep them from going around the world again I think we had better not repair them, and I insist on this amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. RAINEY].

Mr. HOBSON. May I hear the amendment stated again?

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. PADGETT. Mr. Chairman, I just wanted to say that if you strike that out they can not be repaired. They are valuable, good ships, and there has to be authority from Congress to repair them.

Mr. HOBSON. I simply wish to state, Mr. Chairman, that these vessels are now included in what is called our first line of battle, and by the limitations of their age, which we estimate as about 10 years, they would pass from that first line of battle into the second line of battle; but even in the second line of battle they will be useful for many years. It would not be in the interest of the strength and efficiency of the fleet, or really of ultimate economy, for us to neglect to give them their proper repairs at this juncture.

Mr. WEBB. What will become of these vessels that are not repaired?

Mr. HOBSON. They will then get out of repair very rapidly, and they would be laid up and pass not only from the first line of battle, but also from the second.

Mr. RAINEY. If they are not repaired now they will quit being a charge on the Treasury.

Mr. HOBSON. I will say to the gentleman from Illinois [Mr. RAINEY] that I am in sympathy with his idea of having ships that are right up on the line, and not maintaining in the Navy a great deal of old junk; and I think the time will come when we shall have to do what the British Navy has done and wipe the old tonnage of the Navy off the list. I am fully in sympathy with that idea, but the gentleman has picked out the wrong ships.

Mr. RAINEY. I have picked out the ships that could not stand a trip around the world. A ship that can not do that in 14 months is not worth repairs.

Mr. HOBSON. They are useful ships and they ought to be repaired.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 9, noes 24.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For repairs and improvements of plant at navy yard, Mare Island, Cal., $15,000.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word.

I want to ask a question of the chairman of the Committee on Naval Affairs. I notice that in all of these navy yards practically the same amount is carried for improvements. Is this the usual amount necessary to keep up the yards in proper shape?

Mr. FOSS. Yes. That is always carried.

Mr. HAMLIN. The amount that is necessary to keep them in repair?

Mr. FOSS. Yes; to keep in repair the plants in the various yards.

Mr. HAMLIN. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn, and without objection the Clerk will read.

The Clerk read as follows:

Six cottages for firemen, $1,000 each, $6,000.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman if he thinks $1,000 is enough for a cottage for a fireman when it takes $12,000 to build a cottage for an officer? Does the chairman think a cottage can be built for $1,000 for a fireman when it takes $12,000 to build a set of officers' quarters?

Mr. ROBERTS. We build a group of them in one bunch.

Mr. HUGHES of New Jersey. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

One sword master, $1,600; 1 assistant, $1,200, and 2 assistants, at $1,000 each; 2 instructors in physical training, at $1,500 each, and 1 assistant instructor in physical training, at $1,000; and 1 instructor in gymnastics, $1,200; 1 assistant librarian, $2,160; 1 cataloguer, $1,200, and 2 shelf assistants, at $900 each; 1 secretary of the Naval Academy, $2,400; 1 clerk, $1,500; 5 clerks, at $1,200 each; 4 clerks, at $1,000 each; 4 clerks, at $900 each; 2 writers, at $840 each; 1 draftsman, $1,200; 1 surveyor, $1,200; 1 dentist, $2,520; services of organist at chapel, $300; 1 captain of the watch, $924; 1 second captain of the watch, $828; 22 watchmen, at $732 each; in all, pay of professors and others, Naval Academy, $122,576.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order.

Mr. MANN. I reserve a point of order on the paragraph.

Mr. COX of Indiana. In fact, Mr. Chairman, I will make a point of order on that part of it, because it is an increase of salary. I refer to "sword master, $1,600." I make a point of order on that.

Mr. PADGETT. May I ask the gentleman to reserve that just a moment?

Mr. COX of Indiana. I will.

Mr. PADGETT. This sword master has been in the academy since 1866. He has trained every admiral and other officer who has graduated at Annapolis since that time. He has had no increase or promotion during all these years. We are giving him in this bill an increase, as I remember, of $100. He is 80 years of age.

Mr. MANN. How old?

Mr. PADGETT. Eighty.

Mr. MANN. Does the gentleman think he is competent to perform the service and should have his salary increased?

Mr. PADGETT. I think he is competent to render the service properly. He has rendered service there all these years efficiently and capably, and at a salary so low that I think it is a matter of simple justice that he should have this promotion at this time.

Mr. COX of Indiana. How long has he been on this salary?

Mr. PADGETT. He has been on a salary of $1,500, I think, since 1866.

Mr. MANN. If this amendment, which is subject to a point of order, remains in, is it intended, then, to hang another amendment on to that to do something else with the man?

Mr. PADGETT. It is not my intention, and I know of no other who has such intention. The only provision in it is to increase this man's salary to $1,600, which is a simple act of justice to him—a man who has been at this salary of $1,500 for doing this important work since 1866.

Mr. HAMLIN. May I inquire if there is any provision of law that would entitle him to retire?

Mr. PADGETT. None that I know of.

Mr. HAMLIN. It looks to me that that is what ought to be done with a man 80 years old.

Mr. PADGETT. He is active and energetic. When I was there last year with the Board of Visitors I saw him giving an exhibition drill with the young men in the academy, and he did it splendidly and magnificently. When this recommendation came to give him $100 raise, from my personal observation of his work there when I was one of the Board of Visitors last year and the two previous years, I thought it was an act of justice, and I personally requested the committee to allow the increase of $100.

Mr. HAMLIN. I do not know that I object to that increase, but it seems to me that a man 80 years old is too old to perform services worth $1,600 a year.

Mr. HOBSON. Mr. Chairman, in response to the point brought out by the gentleman from Missouri [Mr. HAMLIN], I am very glad to tell him that such a provision for this sword master would be in line with simple justice and with the best interests of the naval service for this reason: The duties of the sword master at Annapolis and of the master of the sword at West Point have grown with the development of those institutions and with the increasing importance of physical development and discipline as connected with drill and setting up, and the like, and the only reason why a provision such as the gentleman suggests has never been made is this: This man, the finest type of man I have ever seen, has been willing to go on all of these years performing his responsible duties without any word of complaint as to compensation. At West Point, where the development has not been as great as it has been at Annapolis, where the number of cadets is probably a third to a quarter less than at Annapolis, they have found it important and to the best interests of the service to give the master of the sword first one promotion and then another, and to-day he has the rank and emoluments and the privilege of retirement of a captain of Cavalry. That would correspond to our senior lieutenant of the Navy.

Mr. HAMLIN. That is exactly the idea I had——

Mr. HOBSON. Of course it is, and it ought to have been at Annapolis and would have been done but for the simple fact that we have had a remarkable public servant there, a man who has gone on for very love of the service and actually trained every officer that is now in service in the United States Navy?

He is a fine type of man and has been so loyal and true that he has never complained about his modest salary, which has not been increased for over a generation, in spite of the increasing responsibility and difficulties of his office.

Mr. COX of Indiana. Is he drawing any pension?

Mr. HOBSON. He is not pensionable. Now, with the permission of the Chairman, I am going to introduce an amendment which would accomplish the purpose indicated by the gentleman from Missouri. I believe that those who might feel some hesitancy about increasing the salary as it stands here, would be willing to vote for this amendment, because the duties involved there require a man of high capacity, who can only be secured permanently by providing such inducements as are contained in the amendment. At times he commands a battalion of midshipmen and takes charge of the drills, and ought to have the rank of an officer in order that the highest efficiency may be realized in the execution of his duties. At West Point they found it necessary long ago to give the master of the sword rank and retirement, and as soon as this man dies it will be found necessary to do it at Annapolis. What we should do is to pass such a measure now and permit Sword Master Carbesier to enjoy the fruits of a long career of usefulness. The proposition has been considered in the Naval Committee, and has been reported and is on the calendar in the form of a private bill. It will be subject to a point of order, but I feel constrained to make a request of Members of this House, in the interest of simple justice to Sword Master Carbesier, one of the most faithful public servants that I have ever known in my life—my own teacher—one of the finest type of men that I have ever seen, who has made an impression on the character and efficiency of two generations of naval officers, and perhaps has rendered more service in that way to create efficiency in our Navy than any man that exists in the Navy—and I make no exception. If there ever was such a character before I do not know of him. I hope no Member will make the point of order.

The CHAIRMAN. The amendment may be read for information.

Mr. MANN. I shall make the point of order on the amendment when it is offered. I have no objection to giving the man this temporary increase in salary.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the amendment may be read for information.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read the amendment, as follows:

On page 45, line 7, after the word "dollars," add:

"*Provided*, That after the passage of this act the sword master at the Naval Academy shall have the same rank, pay, emoluments, and privileges of retirement as the master of the sword at the Military Academy."

Mr. COX of Indiana. Mr. Chairman, this is not a pleasant duty for me to perform, and I take no pride in doing it. It is the farthest from my thought of doing anyone an injury in making a point of order, but bill after bill comes in here where we find a constant increase of salary. It is a very easy matter to get up and make an appeal to a man to yield on these points of order, and I know that a strong argument can be made in behalf of most any of these provisions that come in on appropriation bills increasing the salaries of officers.

I observe, Mr. Chairman, that invariably it is the "man higher up" all the time who is able to get his salary increased. In the four years I have served here I have noticed that few, if any, increases of salary are given to the poor old scrub woman who gets down on her knees and scrubs the floors of the public buildings of this country.

Mr. PADGETT. I want to say to the gentleman that this increase of $100 is to one of the fellows that is not high up in salary, but far down the list.

Mr. COX of Indiana. I quite agree with the gentleman that it is not so extremely high, but at the same time is far above the average laborer employed in the various departments of the Government.

Mr. HAMLIN. Does not the gentleman think that a man who has served in that capacity for the last 45 years at $125 a month and has trained every officer in the United States Navy

is just about as much entitled to increase as any man you can imagine?

Mr. COX of Indiana. The fact that he has trained every officer in the United States never would appeal to me very much. The other part of the gentleman's query would indicate to my mind that he has been satisfied with what he has received heretofore.

Mr. HAMLIN. I had rather support the amendment offered by the gentleman from Alabama.

Mr. PADGETT. The trouble is that you are placing a civilian on the retired list, and when you open that door there is no end to it.

Mr. HAMLIN. I understand that if this amendment is adopted he will have the rank and pay of an officer.

Mr. PADGETT. But you are authorizing a civilian to be placed on the retired list.

Mr. COX of Indiana. We have on the appropriation bills now pending in Congress at the other end of the Capitol proposals to increase the salaries of men who are getting substantially good salaries now.

If this practice is not going to stop somewhere, where is it going to end? If these are meritorious, there is a way to increase the salaries, and that way is the legal way, and that way is to let the proper committee report the proper bill proposing to increase these salaries. It is obnoxious in various ways.

Mr. HOBSON. I stated this had been done by the committee and it is on the calendar now, waiting for action.

Mr. COX of Indiana. But, Mr. Chairman, because of the eloquent appeal of my friend from Alabama [Mr. HOBSON]—I may possibly be wrong—I am going to withdraw the point of order.

Mr. MANN. I reserve the point of order for the purpose of asking a question. I would like to ask the gentleman from Alabama whether, if the increase is allowed, he thinks that is a sufficient handle on which to hang his amendment. I ask that as a parliamentary question.

Mr. HOBSON. No; I do not think it is. I believe my amendment would be legislation in any event. I recognize that.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

Expenses of the Board of Visitors of the Naval Academy, being mileage and $5 per diem for each member for expenses during actual attendance at the academy, and for clerk hire, carriages, and other incidental and necessary expenses of the board, $3,000.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to strike out the last word for the purpose of asking the reason for this increase in the item for the Board of Visitors at the Naval Academy, mileage and $5 per diem. Is that increase due to the increased cost of commodities?

Mr. PADGETT. No; it is because of the long distance traveled.

Mr. HUGHES of New Jersey. Why the increase in this particular?

Mr. PADGETT. The President appointed on the board last year one man from Texas, one man from California——

Mr. HUGHES of New Jersey. Oh, that is far enough. I withdraw the amendment.

Mr. PADGETT. And one man from Oregon.

Mr. HAMLIN. I would like to ask the gentleman a question. Are not Members of Congress sometimes appointed on this board?

Mr. PADGETT. Every year.

Mr. HAMLIN. Why are they paid $5 per diem in addition to the salaries they draw annually?

Mr. PADGETT. It costs them that or more to pay their board at the hotel. It is just simply to pay the expense.

Mr. HAMLIN. It is to cover traveling expenses and hotel bills?

Mr. PADGETT. Yes.

The Clerk read as follows:

That the Secretary of the Navy shall have estimates, plans, and specifications prepared for the completion of the crypt of the chapel at the United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, the cost of said crypt and furnishing of same, including architect's fee and all other expenses of every character connected therewith, not to exceed $75,000, said plans and specifications to be approved by the Superintendent of the United States Naval Academy and the Secretary of the Navy, and the sum of $75,000 is hereby appropriated for the completion and furnishing of said crypt in accordance with said plans and specifications.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to ask some gentleman how it would be possible to expend $75,000 for this purpose. What is it proposed to do with the $75,000?

Mr. BUTLER. I will ask the chairman of the committee to go ahead and explain. I do not know how they are going to do it.

Mr. MANN. I can not imagine how it is to be expended.

Mr. HUGHES of New Jersey. I suggest that possibly that is a typographical error. They meant $7,500.

Mr. MANN. No; it originally was $135,000. Why they wanted $135,000 instead of $250,000 I do not know.

Mr. ROBERTS. A bill has passed the Naval Committee and is on the calendar calling for $135,000, but on further investigation it was thought that $75,000 would be all that was necessary for the purpose. The $135,000 came as a recommendation from one of the officers of the Naval Academy—the commandant, I think.

Mr. MANN. Is it designed to start in at the Naval Academy and construct rather expensive buildings, for that is what it would amount to, for different naval officers who have passed away?

Mr. ROBERTS. No; the idea is to finish a crypt in the chapel for the reception of the remains of John Paul Jones. The construction of the chapel underneath the main floor is such that there can be alcoves made, while the crypt is itself being prepared for this purpose, to receive the bodies of other distinguished naval heroes that it may be desirable to place there hereafter.

The intention, as I understand, is to line this crypt with marble and these little alcoves that lead off from it, and also to provide some sort of a sarcophagus that will be appropriate to the crypt and to the memory of the man we are seeking to honor. It is believed that the $75,000 will all be needed to properly fit up this crypt and properly care for the remains of John Paul Jones, which are now reposing under a stairway in Bancroft Hall, something that is wholly discreditable to the Navy and to the Nation.

Mr. MANN. Discreditable; I do not see anything discreditable about it at all to know what you do, and I doubt whether it is as discreditable as to endeavor under the name of John Paul Jones to provide an entirely new proposition for a resting place for various naval officers who either have died or may die in the future and whose friends may appeal that they may recline there.

Mr. ROBERTS. It is thought that probably the remains of Admiral Barry might properly go there and several other distinguished men have been named as probabilities. While they are fitting up this crypt it seemed to the members of the committee a very proper thing that we should utilize the space which otherwise would not be used in order to make provisions for a future place for the repose of eminent naval officers.

Mr. MANN. Well, have plans been prepared for this?

Mr. ROBERTS. I do not know that any detailed plans have, but a sketch plan was presented, and I think we now have it in the Naval Committee, showing the general style of treatment of the crypt.

Mr. MANN. Does not the gentleman think it would be better to properly authorize the Secretary of the Navy to have estimates, plans, and specifications prepared and submit them to Congress before acting upon this?

Mr. ROBERTS. I will say for the benefit of the gentleman that personally it would suit me, but this particular provision was introduced in the form of a bill by another member of our committee, who is unavoidably away, and the committee thought it better perhaps, in view of the long delay, that we place at the disposal of the Secretary the $75,000, feeling that if the whole amount will not be needed to properly fit up the place it will not be expended.

Mr. MANN. Well, of course, as soon as I saw the paragraph I saw that it was introduced by some one in the form of a bill, because the latter part of it, lines 12, 13, and 14, have no place in the paragraph, anyhow.

Mr. ROBERTS. That was an error of the gentleman who introduced the motion in committee.

Mr. MANN. I am not criticizing, this is a mere inadvertence. I simply say I saw that was in the form of a bill. I suggest to the gentleman, if he wishes to keep this in the bill, that the paragraph might be passed over and he prepare an amendment directing the Secretary to prepare plans and specifications to be submitted to Congress so that we know something about what is proposed to be done.

Mr. ROBERTS. Mr. Chairman, I will ask that the paragraph be passed over without prejudice with the point of order pending.

The CHAIRMAN. Without objection, the paragraph will be passed without prejudice, the point of order being reserved thereon.

There was no objection.

Mr. STANLEY. Mr. Chairman, I move to strike out the last word.

Mr. MANN. There is nothing to strike out; there is a point of order pending.

The Clerk read as follows:

In all, Naval Academy, $625,420.

Mr. STANLEY. Mr. Chairman, I move to strike out the last word. I am surprised and grieved at the wanton and reckless expenditures by the Committee on Naval Affairs. Of all the bills that ever came before the House, it strikes me that this one is the most reckless in regard to expenditure of the dear people's money. Now, you have proposed the erection of a building not only to take care of all the live people in the Navy, but you are building a gilded mausoleum for people who are not yet dead and you do not know when they are going to die. You propose to put it up for John Paul Jones, and you do not know how much it will cost, how many are going to be buried there; you just know you are taking the people's money to start a kind of military graveyard. Gentlemen, I shall not make the point of order, but I do wish to call the attention of the country to the recklessness on the part of the Committee on Naval Affairs when it comes to the handling of the dear people's money.

Mr. SIMS. And there will be no certainty that the remains of John Paul Jones are there.

Mr. STANLEY. Nobody knows whether it is John Paul Jones or John Paul Jones's coachman; but that does not keep the Committee on Naval Affairs from throwing away money like a drunken sailor.

Mr. PADGETT. I will say to the gentleman that it was recommended by the President at $135,000 and we cut it down to $75,000.

The Clerk read as follows:

Pay, Marine Corps: For pay and allowances prescribed by law of officers on the active list, including clerks for assistant paymaster, five in all, $922,773.

Mr. FOSS. Mr. Chairman, in line 21, page 50, I wish to add the letter "s" after the word "paymaster," so that it will read "paymasters."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 21, page 50, add the letter "s" after "paymaster."

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I wish to submit some information relative to the cost of the retired officers and men in the Navy, as shown by correspondence with the Paymaster General, as follows:

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., January 28, 1911.

MY DEAR MR. PADGETT: In reply to your letter of the 27th, I find that on page 231 of the Estimates for 1910, the number of retired officers is 821, not 861, as stated by Mr. Pulsifer on page 740, and the estimate for the 821 is $2,493,801, and for 116 retired officers performing active duty, $117,143.

The difference in numbers is evidently due to the fact that the estimates were prepared about a year in advance of the issue of the Register for 1910, from which Mr. Pulsifer must have gotten the number 861, and 294 enlisted men instead of 240, as estimated for at $152,640.

The total amount expended for the number of retired officers, which was probably 861, was about $2,330,332.41, while that for the 294 enlisted men was about $167,974.50, making a total expenditure for retired officers and men of $2,498,306.91, while the estimates for the fiscal year 1910 amounted to $2,493,801 for pay of officers on the retired list, $117,143 for pay of officers on the retired list performing active duty, and $152,640 for pay of enlisted men on the retired list, making a total of $2,763,584 estimated.

I am having the information in regard to the Marine Corps prepared, and hope to get that to you to-day.

With kindest regards, and always at your service, I am,

Very sincerely, yours,

T. J. COWIE.

Hon. L. P. PADGETT, M. C.

MY DEAR MR. PADGETT: I hand you herewith a statement prepared by Col. Richards, paymaster of the Marine Corps, giving the information desired by you in regard to the pay for retired officers and men of the Marine Corps.

Trusting that this is what you desire, and that it will meet your requirements, I am,

Very sincerely, yours, T. J. COWIE.

Hon. L. P. PADGETT, M. C.,
Committee on Naval Affairs,
House of Representatives, United States,
Washington, D. C.

Expended for officers and enlisted men retired.

	Expended, officers retired.	Expended, enlisted men retired.
REISINGER, H. C.		
1909.		
July		
August	$5,173.50	
September	5,291.95	$5,609.70
October	5,967.42	2,797.45
November	5,966.25	2,659.85
December		
1910.		
January		
February		
March		
April		
May		2,427.85
June	5,249.55	2,498.45
Total	27,648.67	15,993.30
POWELL, W. G.		
1909.		
July		
August		
September		
October		
November		
December	5,801.45	2,708.40
1910.		
January	5,801.45	2,669.98
February	5,801.45	2,620.68
March	5,801.45	2,620.68
April	5,818.82	2,561.55
May	5,732.80	70.60
June		
Total	34,757.42	13,251.89
DAWSON, W. C.		
1909.		
July	1,379.01	939.15
August	1,448.53	954.15
September	1,716.32	912.05
October	1,476.71	954.15
November	2,055.71	870.55
December	1,476.31	1,008.15
1910.		
January	1,527.31	784.50
February	1,726.11	887.37
March	1,391.31	804.56
April	1,805.91	822.40
May	1,503.81	989.13
June	1,461.31	1,030.19
Total	18,968.35	10,956.35
WILLS, D. B.		
1909.		
July	4,738.81	2,190.69
August	5,152.66	3,563.12
September	5,159.21	3,493.94
October	4,964.36	3,951.42
November	4,911.56	3,775.00
December	5,640.00	3,824.21
1910.		
January	5,223.56	3,943.14
February	4,849.66	3,842.94
March	5,296.48	3,892.04
April	5,043.86	4,131.00
May	4,746.71	3,960.17
June	5,564.96	3,693.08
Total	61,291.83	44,170.75
RICHARDS, GEORGE.		
July, 1909	6,698.55	2,845.66
August, 1909		70.30
June, 1910		381.30
Total	6,698.55	3,297.26

Recapitulation.

	Officers.	Enlisted men.
Richards, George	$6,698.55	$3,297.26
Dawson, W. C	18,968.35	10,956.35
Powell, W. G	34,757.42	13,251.89
Reisinger, H. C	27,648.67	15,993.30
Wills, D. B	61,291.83	44,170.75
Total	149,364.82	87,669.55

Number of enlisted men, United States Marine Corps, on the retired list during the fiscal year 1910.

	July 1, 1909.	June 30, 1910.
Sergeant majors	2	2
Quartermaster sergeants	19	18
Drum majors	1	1
First sergeants	17	22
Gunnery sergeants	11	15
Sergeants	39	42
Corporals	6	5
Drummers	1	1
Fifers	1	1
Privates	21	20
First-class musicians	14	13
Total	132	140

GEORGE RICHARDS,
Colonel, Paymaster, United States Marine Corps,
In Charge of the Paymaster's Department.

HEADQUARTERS UNITED STATES MARINE CORPS,
PAYMASTER'S DEPARTMENT,
Washington, D. C., January 30, 1910.

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., February 3, 1911.

MY DEAR MR. PADGETT: Referring to your request in regard to the amount of money paid by the Navy for the retired list, officers and men, and for the retired list, officers and men, of the Marine Corps:

My letter of January 28 gave you the desired information in regard to the officers and men of the Navy. I now take pleasure in giving you the information in regard to the Marine Corps.

For the fiscal year 1910 there were 55 retired officers of the Marine Corps, divided as follows:

Major general	1
Brigadier generals	7
Colonels	5
Lieutenant colonels	7
Majors	8
Captains	12
First lieutenants	11
Second lieutenants	4
Total	55

The total expended for these officers during the fiscal year ending June 30, 1910, amounted to $149,364.82.

The enlisted men on the retired list of the Marine Corps for the same period were 140, divided as follows:

Sergeant majors	2
Quartermaster sergeants	18
Drum major	1
Gunnery sergeants	15
First sergeants	22
Sergeants	42
Corporals	5
Drummer	1
Fifer	1
Privates	20
First-class musicians	13
Total	140

The total amount expended for these men during that year was $87,669.55.

Very truly, yours, F. J. COWIE.

Hon. L. P. PADGETT, M. C.,
Committee on Naval Affairs,
House of Representatives, United States.

The Clerk read as follows:

Pay of enlisted men, active list: Pay of noncommissioned officers, musicians, and privates, as prescribed by law; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, and including additional compensation for enlisted men of the Marine Corps regularly detailed as gun pointers, mess sergeants, cooks, messmen, signalmen, or holding good-conduct medals, pins, or bars, including interests on deposits by enlisted men, post exchange debts of deserters, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men and for prizes for excellence in gunnery exercise and target practice, both afloat and ashore, $2,752,622.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I would like to have some member of the committee explain to me the meaning of this language found in lines 16 and 17, as follows:

Post exchange debts of deserters, under such rules as the Secretary of the Navy may prescribe.

That is new language reported into the bill this year. What does it mean?

Mr. FOSS. When men desert from the Navy they sometimes leave debts behind them that have been contracted in these post exchanges, and it is taken out of their pay. Instead of its going into the Treasury, we provide here in this section that it shall be reimbursed to the post exchange, so that the men themselves will get the benefit of it.

Mr. COX of Indiana. Does it amount to very much each year?

Mr. FOSS. It amounts to about $2,000.

Mr. BUTLER. Does the gentleman from Indiana understand the post exchange?

Mr. COX of Indiana. No.

Mr. BUTLER. The post exchange is an institution in which the enlisted men are all interested. They buy from a common store, maintained by themselves. One in awhile one of their fellows deserts and leaves an account unpaid at a post exchange, and we thought it was pretty hard on the other enlisted men that they should lose the money. The salary, unpaid wages, or the pay, that is unpaid to the deserter we ask to have used for the purpose of discharging the debt that he owes to the other men.

Mr. COX of Indiana. Do the enlisted men own the store?

Mr. BUTLER. It is a cooperative store for their benefit. They buy lots of things which they have to have—notions, tobacco, and such stuff—on which there is a bit of a profit, and it goes to them. It is used to furnish them billiard rooms, games, and something extra to do.

Mr. COX of Indiana. A canteen, is it not?

Mr. BUTLER. It is the old canteen, I will say to my friend, without any beer. It is a dry canteen.

Mr. COX of Indiana. It is a community of interest among the enlisted men?

Mr. BUTLER. Entirely a community of interest.

Mr. HAMLIN. It says:

Including interest on deposits by enlisted men.

Is there a system whereby enlisted men who manage to save some little money can leave it with some one and draw interest on it?

Mr. BUTLER. My recollection is, it is left with the Government at a little interest.

Mr. HAMLIN. At what rate?

Mr. HOBSON. I am able to tell the gentleman it is growing very rapidly and is bound to be most helpful in promoting the discipline and welfare of the men. Instead of getting their money and going ashore, where there are temptations to spend it, they have now the custom of leaving it with the paymaster and getting interest and drawing out a little pocket money occasionally.

Mr. CALDER. Does the gentleman know the extent of it?

Mr. HOBSON. I think it has now grown to several millions of dollars and is growing steadily and improving the morals of the men.

Mr. SIMS. Where does the interest come from?

Mr. HOBSON. The Government appropriates for it every year.

Mr. BUTLER. Four per cent.

Mr. HAMLIN. It encourages them to save their money. I think it is a very good idea.

Mr. CALDER. Does the gentleman know the extent of these deposits in the Navy?

Mr. BUTLER. Does the gentleman ask his question with reference to the post exchange or the deposits of the men?

Mr. CALDER. Deposits of the men.

Mr. BUTLER. I can not answer. I think it is in one of the supply bills.

Mr. SIMS. The Government sells its bonds at 2 per cent and gives 4 per cent on borrowed money?

Mr. HOBSON. Four per cent.

Mr. SIMS. It is not a profitable proceeding for the Government.

Mr. HOBSON. No; not in dollars, but the investment brings a dividend of a hundredfold in the increased efficiency of the Navy.

The Clerk read as follows:

Pay of civil force: In the office of the Major General Commandant: One chief clerk, at $2,000; one clerk, at $1,400; one messenger, at $971.28.

Mr. COX of Indiana. Mr. Chairman, I raise a point of order on the paragraph.

Mr. HUGHES of New Jersey. Mr. Chairman, I notice that this paragraph increases one chief clerk $400, and increases another clerk $200; and I notice further that it increases the messenger about 70 cents a year. [Laughter.]

Mr. MACON. I thought they took a dollar off of him.

Mr. HUGHES of New Jersey. Is that equity, I will ask the gentleman who represents this side of the House on the committee? No; instead of 70 cents, they increase the messenger 28 cents.

Mr. BUTLER. That is more than the navy-yard men will get out of the claims bill that was passed here to-day. [Laughter.]

Mr. HUGHES of New Jersey. I do not mind the $400 increase or the $200 increase, but I think that 28 cents is a reckless waste of the public money. [Laughter.] I am surprised that gentlemen of the Naval Committee, gentlemen who stand around here talking economy all the time except when their bill is before the House, should give their consent to this appropriation. I am especially surprised that assent to this should be given by the gentleman from Tennessee [Mr. PADGETT], whom I believe to be a real economist, although he is now in bad company. I know that his committee associations hamper him, and I feel sure that if he were permitted to act as he thought best he would say with me that he, too, thinks that this is a most unwarrantable piece of extravagance. [Laughter.]

Mr. MANN. Here are the 28 cents; now quit. [Laughter.]

Mr. COX of Indiana. Mr. Chairman, I make the point of order on the words "two thousand," on line 15.

Mr. HUGHES of New Jersey. I make the point of order on the 28 cents, Mr. Chairman. [Laughter.]

Mr. COX of Indiana. I make the point of order on the words "two thousand" in line 15.

The CHAIRMAN. The Chair will ask the gentleman what the present salary is.

Mr. COX of Indiana. It was $1,600 in the appropriation bill passed last year.

The CHAIRMAN. If it is an increase, the Chair sustains the point of order.

Mr. PADGETT. Mr. Chairman, I move to amend by inserting "one thousand six hundred dollars" instead of "two thousand dollars."

The CHAIRMAN. Is there objection?

The amendment was agreed to.

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Forage, Marine Corps: For forage in kind and stabling for horses of the Quartermaster's Department and the authorized number of officers' horses, $24,200.

Mr. PADGETT. Mr. Chairman, in order that the committee may have information as to why these amendments were made, I will send a statement to the Clerk's desk and ask that it be read.

The CHAIRMAN. The Clerk will read the statement referred to.

The Clerk read as follows:

The undersigned respectfully renews the recommendation made in the annual reports for the years 1897, 1898, 1899, 1900, and 1909, respectively, and in various special communications (the last dated Sept. 1, 1909), that the classified civilian employees of his office and of the several staff offices of the Marine Corps be placed on a footing more nearly equal as regards pay to that of like employees of other governmental offices and bureaus, particularly those of the Navy Department.

Attention is invited to the fact that, barring the increase of three of them from $1,540.80 to $1,600 in 1904, the salaries ($1,600) of the chief clerks of the four offices at these headquarters are precisely the same as they were many years ago, when the amount of work and the responsibilities devolving upon said chief clerks were probably less than one-quarter of what they are now with the greatly increased strength of the corps and the corresponding increase of business. The latter figure, it may be noted, is not the one now allowed chief clerks in nearly all cases, but is the salary which was fixed by Congress in 1853, not specifically for chief clerks, but for clerical employees of class 3. As early as 1863 six of the eight chief clerks in the department were allowed $1,800, and in 1899 the salaries of all said chief clerks were increased to $2,000 per annum. Many chief clerks in other departments receive salaries greatly in excess of those in effect at these headquarters, chief clerks receiving less than $2,000 per annum being extremely rare. Many of them are allowed much more. In fact, hundreds of subordinate clerks employed elsewhere receive $200 per annum more than the chief clerks at these headquarters.

The present incumbents of the four chief clerkships here have been in the service from 11 to 21 years.

Mr. PADGETT. Mr. Chairman, I ask leave to extend my remarks in the RECORD for the purpose of inserting some letters from the Secretary of the Navy relative to the cost of battleships and other ships of the Navy incident to the eight-hour law.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in order to print certain papers which he has indicated. Is there objection?

There was no objection.

The letters referred to are as follows:

DEPARTMENT OF THE NAVY,
Washington, February 7, 1911.

MY DEAR CONGRESSMAN: In reply to your letter of the 3d instant, I am pleased to give you the following information with relation to the effect of the eight-hour law on the cost of building vessels:

The estimates for the building program recommended by me were received from the chief constructor and the engineer in chief for the cost of hull and machinery, and are as follows (p. 384 of the hearings):

Ships.	Total amount required for each class under Construction and Repair and Steam Engineering, unrestricted.	Total amount required for each class under Construction and Repair and Steam Engineering, 8-hour law.	Difference.
			Per ct.
2 battleships (27,000 tons)	$12,000,000	$13,000,000	8.33
1 collier	1,100,000	1,350,000	22.72
1 gunboat	425,000	520,000	22.35
1 river gunboat	175,000	215,000	22.8
1 submarine tender	500,000	610,000	22.0
2 seagoing tugs	360,000	430,000	19.4
2 submarines	1,000,000	1,200,000	20.0
	15,560,000	17,325,000	11.3

Examination of the foregoing table shows that, except for the battleships, the estimated difference between unrestricted building and building under the eight-hour law is approximately 21½ per cent.

The figure of 21½ per cent is based on the only available evidence (bids submitted by the Newport News Shipbuilding & Dry Dock Co. for battleship *No. 35*), but is, of course, not absolute and may be modified materially in case further bids are received. This figure was arrived at by considering the difference between the mean of actual contract prices for the *Wyoming* and *Arkansas*, which are of 26,000 tons displacement, and the price submitted by the Newport News Co. for battleship *No. 35*, which is 27,000 tons displacement, when reduced to a common displacement to permit direct comparison, as stated in my letter of the 2d instant.

In the cost of the battleship the estimated limit of cost for unrestricted building is given as $6,000,000. This figure is the same as has been used since the authorization of the *Delaware* in 1906 and was based originally on normal shipbuilding conditions.

Since that time shipbuilding conditions have not been normal, with the result that it has been possible to let all battleship contracts since that date well within the $6,000,000 limit of cost authorized, notwithstanding the fact that the size of such ships has been considerably increased.

It is deemed likely that the contract for a battleship of 27,000 tons displacement can still be let well within this figure of $6,000,000 if unrestricted, though as the figure has obtained for five years past, it was not thought wise to change it.

The figure of $6,500,000 for the 27,000-ton battleship under the eight-hour law was arrived at by considering the contract price ($5,830,000) for battleship *No. 35*, plus a reasonable allowance for the cost of material and work supplied by the Government, plus the cost of possible changes made by the contractor, plus a reasonable allowance for variation in bids, as actual contracts have been made in the past for two sister vessels at prices differing as much as $390,000. Thus you will see that while the figure of $6,500,000 for the battleship under the eight-hour law does not pretend to represent the 21½ per cent increase over the accepted limit of cost of building without restriction, it is believed to approximately provide for such an increase over the probable contract price for a 27,000-ton vessel, on the assumption that the same conditions now prevail as when the *Arkansas* and *Wyoming* were contracted for.

Faithfully, yours,

G. V. L. MEYER.

HON. L. P. PADGETT, M. C.,
House of Representatives, Washington, D. C.

THE SECRETARY OF THE NAVY,
Washington, February 2, 1911.

MY DEAR CONGRESSMAN: In reply to your letter of February 1, 1911, I have the honor to inform you that the bid received by the department for the construction of battleship *No. 35* led to the opinion that the increased cost by private contracts of the construction of ships of the Navy, under the eight-hour law, is 21½ per cent. This figure was arrived at in the following manner:

The lowest price per ton bid for the 27,000-ton battleship *No. 35* is $213.33. For a ship of 26,000 tons (the displacement of the *Wyoming*), the cost, on the basis of the price per ton bid for battleship *No. 35*, would be $5,546,700. The mean of the contract prices for the two sister 26,000-ton vessels, *Wyoming* and *Arkansas*, is $4,562,500. The figure of $5,546,700 is 21½ per cent greater than the above mean of the contract prices for the *Wyoming* and *Arkansas* ($4,562,500) and is therefore believed to fairly represent the increased cost by private contracts of the construction of vessels of the Navy due to the application of the eight-hour law.

Referring to the detailed figures appearing on page 350, to which you direct my attention, I beg to inform you that the $26,000,000 is based upon $15,000,000 required for construction and machinery and $11,000,000 for armor and armament. Similarly, the figure $28,000,000 is based upon $17,000,000 for construction and machinery and $11,000,000 for armor and armament.

It will be noted that by the decision of the Attorney General the eight-hour law does not apply to armor and armament, so that deductions based on the above totals would be somewhat misleading without this explanation.

The above figure of $26,000,000, or the construction and machinery figure of $15,000,000, is subject to some further modification in that it includes two battleships at the limit of cost for hull and machinery of $6,000,000 each, which figure has been used by Congress in its appro-

priation acts as "limit of cost, exclusive of armor and armament," since June 29, 1906.

With the removal of the eight-hour restriction, it is believed, as above stated, that a battleship of 27,000 tons can be contracted for at a lower figure than $6,000,000, so that the actual difference in cost will probably be greater than the $2,000,000 difference between $15,000,000 and $17,000,000 referred to above.

In conclusion, I desire to repeat that the only available evidence is to the effect that the inclusion of the eight-hour law in shipbuilding contracts has operated to increase the cost of construction 21½ per cent. It is impossible to state the extent to which the volume of other business influenced the bidding for battleship *No. 35*, from which the above deduction is drawn.

Believe me, faithfully, yours, G. v. L. MEYER.

Hon. L. P. PADGETT,
Committee on Naval Affairs, House of Representatives.

The Clerk read as follows:

Total under quartermaster, Marine Corps, $3,092,357.

Mr. PARKER. Mr. Chairman, I move to strike out the last word.

I do this for the purpose of giving notice that to-morrow, under the heading "Increase of the Navy," I intend to move to insert after the word "speed," on page 60, the words "compared with similar known vessels," so that the clause shall read:

That, for the purpose of further increasing the Naval Establishment of the United States, the President is hereby authorized to have constructed two first-class battleships, each carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed compared with similar known vessels, and the greatest practicable radius of action, and to cost, etc.

And I desire now to place before the committee the reasons that make me think it imperative that this amendment should be made.

It is not altogether easy to obtain the speed of foreign vessels. The speeds of the vessels of our own Navy are fully set forth, as far as battleships are concerned, in the report which you have before you. Between 1902 and 1910 we completed, as appears on pages 17 to 20 of that report, nine vessels ranging from 17.12 knots to one of 21.56 knots in 1907; then going down to 20½ knots, and averaging 19.61 knots for the nine.

On page 21 I find that we are now constructing four vessels, the earlier two of which will have a speed of 20¾ knots and the second two of 20½ knots. But I turn also to this report to see what is doing in other navies, and I find at the bottom of page 22 the following statement:

England, Germany, and Japan are the only powers which are now laying down so-called armored cruisers. The latest ships of this type in England have far outdistanced their contemporary battleships in displacement and speed, while carrying the same caliber of heavy guns, although fewer in number, and having but slightly less armor protection. They deserve the name of battleship cruiser now commonly applied to them, for they have certainly outgrown the class of armored cruiser as formerly understood. It would seem that the nations building such ships are in reality building two types of batileships, fast and slow. The battleship cruiser is now generally considered as being practically in the battleship class and counted as a capital ship.

It is a battleship, and the only first-class battleship.

I find on the same page that these ships in England have 28 to 29 knots speed, or 7 to 8 knots more than our own.

Mr. BUTLER. What is the weight of those ships?

Mr. PARKER. It is given as 26,350 tons displacement.

Mr. COX of Indiana. Are those English vessels?

Mr. PARKER. They are English vessels. The speed of German vessels is not given, except in the above general statement. As to Japan, the statement is, on page 26—

The contract for the construction of a battleship cruiser was awarded to the British firm of Messrs. Vickers Sons & Maxim (Ltd.) in November, 1910. According to press reports, the vessesl is to have a displacement of between 27,000 and 28,000 tons, a speed of about 28 knots, a battery of twelve 14-inch guns, cost about $12,500,000, and to be completed in about two years and a half.

All these are battleships of the first class, because they have the speed as well as armor and guns. Mr. Chairman, it is idle for anyone who has studied history not to see what speed means to a fighting fleet. The Armada of Spain was defeated by a vastly inferior fleet, because the handy and speedy ships of the English fleet took their place on the quarter of the Spanish fleet, raked the nearest vessels, cut off the laggards, and beat them in detail. Our own vessels in 1812, of which we are so proud, the *Constitution* and the rest of the frigate class, gained their renown because they were able to show their heels to superior armament, and could beat the British frigates when they chose, and thus they won all their victories by their speed as well as by their armaments.

In our Civil War, have we forgotten that the *Alabama* could steam away from our slower vessels and led our Navy a wild-goose chase around the world, while she destroyed our commerce?

Have we forgotten that when she met the *Kearsarge* it was by her own choice and that she could have got away if she pleased. She had superior speed, but she was disabled, and sunk in a fight that she chose to give.

Have we forgotten that in the Battle of Santiago the four Spanish ships lost only one as they went through our line of battleships, and that the remaining three distanced those battleships, so that it was the superior speed of the *Brooklyn* and the *Oregon*, as it would have been the superior speed of the *New York*, that enabled them to come up and cut down those flying ships one by one, set them afire, and drive them ashore on the coast? Have we forgotten the Battle of the Straits of Tsushima between Japan and Russia? In that last great naval battle the victory went not to the heavy armor nor to the heaviest guns. It went to the active fleet of armored cruisers, rather than to the battleships. It was speed that enabled the Japanese fleet to select its position, where the Russian vessels were extended in a long line, and then to attack and destroy it in detail. It was due to its superior speed that when part of their opponents were sunk or disabled the rest of the Russian fleet, except two, could not get away. The vessels had not the heels; and they were destroyed utterly.

Does speed mean nothing? If it is neglected with us, is there reason for it? With speed a fleet can give or decline a battle; with speed, if both fleets be in separate divisions, the speedy one can send and throw all its forces upon one division and destroy that first and then take the other. There is nothing to prevent it from crushing both divisions in succession. Is it nothing that when our fleet sights another and gets in touch, that other can go with 7 or 8 more knots of speed a hundred miles away in 12 hours, and being out of sight can then go where it pleases and strike its blow? Is it nothing that when we have to defend a long coast, it is only a speedy fleet that can reach the enemy before it can deliver the blow and pursue that enemy after defeat?

Our naval officers think it is more important to have range of action and to have plenty of coal. That is well, but of the three points that give power to one fleet over another the first is guns, the second armament, and the third speed. England and Japan, as stated in my citation from the report of the committee, are ready to reduce the number of guns so as to get both range of action and speed, and to have powerful vessels that can find and catch the enemy and to put it through.

We want battleships of that class. We do not want our Navy to be as it is now, one of slow battleships that can not catch a *Lusitania*, while Great Britain has ships of the first-class for armor and armament that can outstrip the couriers of the sea by 5 knots an hour. We want the new battleships the Dreadnoughts of the future.

It may be asked why I offer this amendment? The language seems to be strong as it stands, namely: "To have the highest practicable speed as well as the greatest practicable radius of action."

In some appropriation bills before this not exactly the same words are used. They demand, "First-class battleships similar to the battleship authorized by" the next previous appropriation act, but that language is carried back until the act of 1906, when the same words are used as we have now, "One first-class battleship carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed and the greatest practicable radius of action, and to cost, exclusive of armor and armament, not to exceed $6,000,000."

Thus all these acts have ordered a battleship of the highest class, as to armor, armament, speed, and range of action.

If we have not battleships of the highest practicable speed compared with those of other nations, I submit to this committee that such speed was intended by the acts which authorized these vessels. All these acts authorize battleships according to the language now employed; and because I doubt whether that language has been so understood or acted on by our executive officers I wish to make it clear that it shall be the highest practicable speed "compared with similar known vessels." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. I move to strike out the last word. In connection with the question brought up by the gentleman from New Jersey [Mr. PARKER], I would state that he is perfectly correct in that we have not the speediest battleships in the world, but the gentleman should not be confused. Our battleships, so-called Dreadnoughts, have speeds that are analogous to the regular Dreadnoughts of other nations. The vessels to which the gentleman from New Jersey refers constitute a different type. They can be classed as Dreadnought cruisers. The gentleman is correct also in pointing out that all the nations with military fighting fleets have adopted a policy of construction of such Dreadnought cruisers, but they have continued the con-

struction of the regular Dreadnought battleships as before, simply providing one battleship cruiser to three or four Dreadnoughts.

Mr. PARKER. Are they not battleships?

Mr. HOBSON. Battleship cruisers.

Mr. PARKER. They are more than cruisers; they are battleships.

Mr. HOBSON. The gentleman can call them battleships of the first class and others of the second class, if he desires, but the point is this: We should not change at present the question of the speed of our regular battleships, but should inaugurate the policy of building battleship cruisers in addition.

Mr. COX of Indiana. Why not?

Mr. HOBSON. Because the speed is as high as can be given consistently with getting the maximum of power, offensive and defensive, for the first line of battle, but we should lose no more time in inaugurating a policy of constructing Dreadnought cruisers. I have prepared, and at the proper time will offer, an amendment as an additional paragraph to authorize the construction this year of one Dreadnought cruiser, the cost of the hull and machinery, exclusive of armor and armament, not to exceed $7,000,000.

Mr. KOPP. To secure the greater speed, what would we have to sacrifice in one of the given battleships?

Mr. HOBSON. The chief sacrifice is in armor. This would bear out the reference I made to high explosives earlier in the day. These second-class battleships, or battleship cruisers, are to carry 14-inch guns, actually ten 14-inch guns in the latest designs, but usually eight 14-inch guns, or one turret of guns less than the battleship proper, but the thickness of their armor goes down.

Mr. SULZER. Will the gentleman yield?

Mr. HOBSON. Yes.

Mr. SULZER. It is for information. Does the gentleman from Alabama think, in the interest of peace and economy, we could get along with one battleship?

Mr. HOBSON. On the contrary, in the interest of peace and economy we ought to have six battleships, and two of these battleship cruisers; but coming back to the main proposition——

Mr. MANN. Would the gentleman be willing to compromise on one?

Mr. HOBSON. The gentleman would compromise on three. The armor of these dreadnought cruisers drops from 12 inches in the battleship proper to 7 inches in the armored cruiser. This indicates that they propose to stay off at 15,000 or 20,000 yards, where the guns of the battleship can not penetrate their armor, and using high explosive projectiles they will be on an equal footing, so far as defense is concerned, with the battleship, and can then do what we call "cap" the battleships, get across their bows, on account of faster speed, and rake them with broadsides.

Mr. COX of Indiana. I am very much interested in the discussion going on now, but would it be possible——

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. Would it be possible to build such a battleship as contemplated in the pending bill and at the same time have the speed indicated by the gentleman from New Jersey [Mr. PARKER]?

Mr. HOBSON. It would be possible by increasing the displacement to about 36,000 tons and at an increased cost of about $3,000,000.

Mr. COX of Indiana. I thought I was with the gentleman from New Jersey, but I must say I am not.

Mr. FOSS. Mr. Chairman, I now call for the reading of the next paragraph.

The Clerk read as follows:

Total Marine Corps, exclusive of public works, $7,373,358.28.

Mr. FOSS. Mr. Chairman, I desire to say to members of the committee that we have read down to the increase of the Navy. I have said to several Members that I would not take up the subject to-night, and I will ask that the committee do now rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose; and Mr. OLMSTED, as Speaker pro tempore, having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32212, the naval appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10817. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 21613. An act for the relief of Francis E. Rosier; and

H. R. 23695. An act to provide for sittings of the United States circuit and district courts of the northern district of Mississippi at the city of Clarksdale, in said district.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 10836. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 8699. An act for the relief of the relatives of William Mitchell, deceased;

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the National Cemetery Road at Vicksburg, Miss.; and

H. R. 26722. An act for the relief of Horace P. Rugg.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MORGAN of Oklahoma was granted leave of absence for five days, beginning February 21, on account of important business.

HOUR OF MEETING TO-MORROW.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns it adjourn to meet at 10 o'clock to-morrow morning.

Mr. STANLEY. Mr. Speaker, reserving the right to object——

Mr. MANN. I might say to the gentleman that I presume the Unanimous Consent Calendar will be called in the morning.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent that all gentlemen who addressed the House or the committee on the war claims measures may have five days in which to extend their remarks.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent that all gentlemen who addressed the House or committee on war claims measures may have five days in which to extend their remarks. Is there objection? [After a pause.] The Chair hears none.

THE LATE REPRESENTATIVE AMOS L. ALLEN.

Mr. SWASEY. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SWASEY. Mr. Speaker, in accordance with the order made at the memorial services on calendar day of Sunday on the late Senator CLAY and Representative BROWNLOW and pursuant to the resolutions adopted this day in honor of the memory of AMOS L. ALLEN, late Representative from Maine, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Maine.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes) the House adjourned to meet at 10 a. m. on Tuesday, February 21, 1911.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Absecon Inlet, N. J. (H. Doc. No. 1395), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMILTON, from the Committee on the Library, to which was referred the bill of the House (H. R. 25898) providing for the erection of a monument at St. Joseph, Mich., commemorating the establishment of Fort Miami, on the site of said city, reported the same with amendment, accompanied by a report (No. 2199), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Minnesota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12422) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, reported the same with an amendment, accompanied by a report (No. 2200), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 32245) granting an increase of pension to Nelson F. Nice; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 31575) granting a pension to Woodbine L. McLane; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 32853) granting an increase of pension to James A. Beard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 32862) to provide cumulative sick leave with pay to storekeepers, gaugers, and storekeeper-gaugers; to the Committee on Expenditures in the Treasury Department.

By Mr. BINGHAM: A bill (H. R. 32863) to define the true intent and meaning of section 48 of the act of August 28, 1894, levying taxes on distilled spirits, to regulate the business of reclaiming waste spirits from empty whisky barrels, and to define the status of persons engaged in such business; to the Committee on Ways and Means.

By Mr. PUJO: A bill (H. R. 32864) to erect an extension to the post office and Federal court building at Alexandria, La.; to the Committee on Public Buildings and Grounds.

By Mr. DAVIDSON: Resolution (H. Res. 987) for the relief of Dio W. Dunham; to the Committee on Accounts.

By Mr. CURRIER: Resolution (H. Res. 988) to pay accrued clerk hire allowance to Laura E. Allen; to the Committee on Accounts.

By Mr. ELLIS: Memorial of the Legislature of Oregon in favor of an appropriation of $150,000 to erect a Federal building at Roseburg, Oreg.; to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislature of Oregon in favor of Territorial government for Alaska; to the Committee on the Territories.

Also, memorial of the Legislature of Oregon, asking the Federal Government to set aside 30,000 acres of land in the Klamath Indian Reservation in Oregon for the use of the United States Army and the National Guards; to the Committee on Indian Affairs.

Also, memorial of the Legislature of Oregon, favoring the granting of the Walla Walla Military Reservation to Whitman College for educational purposes; to the Committee on Military Affairs.

Also, memorial of the Legislature of Oregon, favoring the granting to the State 50 per cent received by the Government for the sale of timber in forest reserves within the State; to the Committee on Agriculture.

Also, memorial of the Legislature of Oregon, favoring Senate bill 5677, for the retirement and relief of the officers and members of the United States Life-Saving Service; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of Oregon, favoring an appropriation for the establishment of an experiment station at McMinnville, Oreg., to investigate and prosecute walnut culture; to the Committee on Agriculture.

By Mr. LATTA: Memorial of the Senate of Nebraska, indorsing House bill 30799, providing graduated payments and a longer time than 10 years in which to repay the construction charges under Government irrigation projects; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 32867) granting an increase of pension to David W. Stafford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32868) granting an increase of pension to Harrison Moulthop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32869) granting an increase of pension to Henry H. Rowley; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 32870) for the relief of Henry G. Roetzel and Paul Chipman; to the Committee on Claims.

By Mr. BURLEIGH: A bill (H. R. 32871) granting an increase of pension to Simon C. Hastings; to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 32872) granting a pension to Lydia Dore; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 32873) granting an increase of pension to Cecilia Quinlan; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 32874) granting an increase of pension to Archibald P. Cooper; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 32875) granting an increase of pension to Henry C. Shute; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 32876) granting a pension to Edwina C. Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32877) granting an increase of pension to Thomas Davidson; to the Committee on Invalid Pensions.

By Mr. MILLER of Minnesota: A bill (H. R. 32878) to refund certain tonnage taxes and light dues; to the Committee on Claims.

By Mr. MOXLEY: A bill (H. R. 32879) granting a pension to Eliza J. St. Clair; to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 32880) for the relief of the heirs and legal representatives of John Scott Coleman, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Resolutions of the National Association of Merchant Tailors, against the increased postage rate on magazines; to the Committee on the Post Office and Post Roads.

Also, resolutions of the St. Louis Advertising Men's League, of St. Louis, Mo., against the increased rate on second-class publications; to the Committee on the Post Office and Post Roads.

Also, petition of Ottawa (Ohio) Branch of the Journeymen Stone Cutters' Association of North America, for additional appropriation for a postal savings bank; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Kern Hill Grange, No. 1602, Coshocton, Ohio, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Newark (Ohio) Trades Assembly, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of Good Will Grange, No. 376, Amherst, Me., for a parcels post and against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Victor Grange, Searsmont, Me., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of Oakland, Me., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of American Paper & Pulp Association, against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of National Wholesale Dry Goods Association, New York, for a permanent tariff commission; to the Committee on Ways and Means.

Also, petition of New York State Federation of Labor and National Association of Merchant Tailors of America, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Communication from the Wisconsin Wholesale Grocers' Association, indorsing House bill 29866; to the Committee on Interstate and Foreign Commerce.

By Mr. CASSIDY: Petition of Cleveland Waiters' Union, of Cleveland, against printing United States bank notes, checks, and bonds other than by hand presses, as per act of July 1, 1898; to the Committee on Expenditures in the Treasury Department.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Frederick A. Brown; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Various protests against legislation for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Wisconsin: Petition of citizens of Franksville, Wis., against Senate bill 404 and House joint resolution 17, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. COX of Indiana: Petition of citizens of third congressional district of Indiana, for Senate bill 3776, for regulation of express companies by Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: Petition of Local Union No. 1069, Muscatine, Iowa, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of West View Grange, Scott County, Iowa, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of A. J. Vose and other citizens of Bryant, Iowa, against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of H. A. Nelson and 27 other citizens of Davenport, Iowa, insisting that the battleship *New York* be built in a Government navy yard, in compliance with the law of 1910, and for eight-hour clause of naval appropriation bill; to the Committee on Naval Affairs.

By Mr. MICHAEL E. DRISCOLL: Petition of Lodge 51, A. P. I. A., of Syracuse, N. Y.; Lodge 15, Polishers, Buffers, and Platers, of Syracuse; and Lodge 1, A. M. C. and B. U., of Syracuse, for House bill 15413; to the Commitee on Immigration and Naturalization.

Also, petition of Lodge No. 18, Barbers, of Syracuse; Lodge No. 1211, Carpenters and Joiners of America; Lodge No. 26, United Brotherhood of Carpenters and Joiners; Lodge No. 80, International Molders' Union of North America; Lodge No. 11, International Union of Steam Engineers; and Lodge No. 31, Brotherhood of Painters, all of Syracuse, in the State of New York, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of La Crosse Industrial Association, for the reciprocity agreement with Canada; to the Committee on Ways and Means.

Also, petition of the American Society of Equity, against Canadian reciprocity; to the Committee on Ways and Means.

Also, Petition of Wisconsin Synod of Presbyterian Church, for the Miller-Curtis interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the American Paper and Pulp Association, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of St. Louis Advertising Men's League, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of New York Business Men, National Association of Merchant Tailors of America, of Boston, Mass.; to the Committee on the Post Office and Post Roads.

Also, petition of National Lodge, No. 556, International Association of Machinists, of Brooklyn, N. Y., for a tax not exceeding 2 cents per pound on oleomargarine; to the Committee on Agriculture.

Also, petition of American Live Stock Association, against Canadian treaty; to the Committee on Ways and Means.

Also, petition of New York Stock Exchange, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petitions of Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., and Merchants' Association, New York City, favoring reciprocity; to the Committee on Ways and Means.

Also, petition of National Wholesale Dry Goods Association of New York, for a tariff commission; to the Committee on Ways and Means.

Also, petitions of United Brotherhood of Carpenters and Joiners, Local No. 138; United Brotherhood of Carpenters and Joiners, Union No. 754; American Federation of Labor, Central Labor Council, Salamanca; American Federation of Labor, Central Labor Union, Boroughs of Brooklyn and Queens; United Brotherhood of Carpenters and Joiners, Binghamton; Local No. 8079, of Minneville; Central Federation of Labor, Albany; United Brotherhood of Carpenters and Joiners, Union No. 1134, Keuka; United Brotherhood of Carpenters and Joiners, Union No. 1466, Sidney; Syracuse Council, No. 33; Mohawk Council, No. 107; Kerhonkson Council; Hunting Council, No. 26; Ames Council, No. 67; and Greenwich Council, No. 24, Junior Order United American Mechanics, all in the State of New York, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Los Angeles Osteopathic Society, against a department of health, per Owens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Association of Surgeons of the United States, for a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Protective Tariff League, for a permanent tariff board; to the Committee on Ways and Means.

Also, petition of Republican Club of New York City, against amending the Constitution to provide for election of Senators by popular vote; to the Committee on the Judiciary.

Also, petition of Central Federated Unions of Greater New York, and the Assembly of New York State, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FOCHT: Petition of Washington Camp 603, Patriotic Order Sons of America, New Columbia, State of Pennsylvania, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Heartslog Valley Grange, No. 375, Patrons of Husbandry, Alexandria, Pa., for Senate bill 5842; to the Committee on Agriculture.

By Mr. FULLER: Petition of citizens of Rockford, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of J. W. Butler Paper Co., Chicago, Ill., against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of American Live Stock Association, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Madison Cooper Co., Watertown, N. Y., relative to cold-storage regulation; to the Committee on Interstate and Foreign Commerce.

By Mr. GORDON: Paper to accompany bill for relief of Ollie M. Croghan; to the Committee on Pensions.

By Mr. GOULDEN: Petition of New York State Federation of Labor, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Kahler & Campbell, for a merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Central Federated Union and American Importers of New York City, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of James P. Rice and others, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Memorial of the Philadelphia Chamber of Commerce, asking for the readjustment of the parcels-post system by the adoption of such rates as will cover the actual cost of such service; to the Committee on the Post Office and Post Roads.

Also, memorials of the National Association of Merchant Tailors of America and of the St. Louis Advertising Men's League, in relation to postage on second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of George D. Boggs & Son and other merchants of Elizabethtown, Pa., against the enactment of legislation favoring the establishment of a local rural parcels-

post service; to the Committee on the Post Office and Post Roads.

By Mr. HAMER: Petition of Idaho State Legislature, for relief of settlers who settled on land under homestead laws of the United States within boundaries of the Cœur d'Alene National Forest Reserve prior to the creation thereof; to the Committee on the Public Lands.

Also, Petition of Idaho State Legislature, for transfer of 1,000,000 acres of land now held by United States to this State for creation of a fund to establish and maintain good roads in the State of Idaho; to the Committee on the Public Lands.

By Mr. HAMILTON: Petition of citizens of Barry County, Mich., against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

Also, petition of citizens of Sturgis and Lawton, Mich., for the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. HANNA: Petition of Grain Growers' Department, National Union, American Society of Equity, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Association of Military Surgeons, for a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of North Dakota, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Commercial Club of Grand Forks, relative to improvement of the Red River; to the Committee on Rivers and Harbors.

Also, petition of residents on rural postal routes in North Dakota, favoring House bill 26791; to the Committee on the Post Office and Post Roads.

Also, petition of A. M. Langdon and others, against a national department of health, as per the Owens, Creager, Mann, and similar bills; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: Petitions of following granges of the State of Connecticut, protesting against Canadian reciprocity: Trumbull Grange, No. 134, Trumbull; Wolcott Grange, No. 173, Wolcott; Housatonic Grange, No. 79, Stratford; Colebrook Grange, No. 82, Colebrook; and Fairfield County Pomona Grange, Oronoque; to the Committee on Ways and Means.

By Mr. JAMES: Petition of citizens of Kentucky, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. KENDALL: Petition of citizens of Sigourney, Iowa, against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. KRONMILLER: Petition of Washington Camp No. 19, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Petition of Fruit Growers' Association of Adams County; Washington Camp No. 773, Bridgeton; Washington Camp No. 776, High Rock, Patriotic Order Sons of America; and Aurora Council, No. 304, Junior Order United American Mechanics, East Prospect, all in the State of Pennsylvania; and Washington Camp No. 26, Patriotic Order Sons of America, Port Jervis, N. Y., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Flinchbaugh Manufacturing Co., York, Pa., against increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. LEVER: Paper to accompany bill for relief of Woodbine L. McLane (previously referred to Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. LOUD: Petition of John Lalonde and six other residents of Black River, W. J. Clark and nine other residents of Harbor Springs, and S. B. Ardis and nine other residents of Harbor Springs, all in the State of Michigan, against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McCALL: Petition of J. F. Hodgkins and 16 others, citizens of Massachusetts, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. McHENRY: Petition of farmers of White Hall, Pa., for House bill 2658, parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of Woman's Christian Temperance Union of Ionia, Mich., for the Miller-Curtis bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. L. Kudner, Lapeer, and Mrs. Bert E. Cline, Berville, Mich., against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of College View, against Sunday legislation for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of business men of Palmyra and citizens of Lincoln, Plattsmouth, and Falls City, all in the State of Nebraska, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MITCHELL: Petition of Journeymen Barbers' Union of Loeminster, Mass., Local No. 518, for repeal of oleomargarine tax; to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of William McKinley Council, No. 48, Junior Order United American Mechanics, Stockton, Cal., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Hollister, Cal., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. REEDER: Petition of citizens of Kansas, against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Eagle Council, No. 8, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Maria Hawley; to the Committee on Invalid Pensions.

Also, petition of Society of Friends of Massachusetts and Rhode Island, for neutralization of the Panama Canal; to the Committee on Military Affairs.

By Mr. SWASEY: Petition of North Franklin Pomona Grange, No. 22; Pioneer Grange, No. 219; Boothbay Grange; Sagadahoc Grange, No. 31; Nobleboro Grange, No. 369; and Wessa Weskias Grange, all in the State of Maine, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of J. B. Arthur and six others, of Milford, Mich., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas: Petition of the Live Stock Association of Fort Worth, asking that the public grazing lands of the United States be leased for grazing purposes; to the Committee on the Public Lands.

By Mr. STERLING: Petition of J. W. Merton and others, of Bloomington, Ill., for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. WANGER: Petition of L. S. Chadwick, of Pottstown, Pa., for the construction of the Lincoln Memorial Road from Washington to Gettysburg as a national memorial to Abraham Lincoln; to the Committee on the Library.

Also, resolutions of the Royersford and Spring City Trades Council, relative to the printing of Government notes, bonds, checks, etc.; to the Committee on Printing.

Also, resolutions of Washington Camp No. 53, Patriotic Order Sons of America, located at Cold Point, Montgomery County, Pa., for the immediate passage of House bill 15413, to amend the immigration act; to the Committee on Immigration and Naturalization.

By Mr. WEBB: Petition of Washington Camp No. 2, Patriotic Order Sons of America, of Elk Park, N. C., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Clear Creek Council, Junior Order United American Mechanics, of Joelton, Tenn., praying for the enactment of legislation restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of New York: Petition of Peter Diefenthaler and others, citizens of Brooklyn, N. Y., for eight-hour day and for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.